

# 2019 Brigham Young University Annual Security and Fire Safety Reports Jerusalem Center



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## Resource Phone Numbers

Due to the language barrier, it is advised that a Security Officer or Administrator contact Israel Emergency Agencies. (*When using landlines in Jerusalem, drop the "02" prefix.*)

### Jerusalem Center Security Office

|   |               |
|---|---------------|
| From any Jerusalem Center Issued Cell Phone ..... | Speed Dial 2  |
| From any Jerusalem Center Landline Phone .....    | Dial 0        |
| From any Off-Campus Phone .....                   | (02) 626-5666 |

### Police

|   |               |
|---|---------------|
| Emergency.....                                  | 100           |
| City Center Police Station—East Jerusalem ..... | (02) 626-0020 |
| City Center Police Station—West Jerusalem ..... | (02) 539-1111 |
| Old City Police Station.....                    | (02) 622-6222 |
| Tourist Police.....                             | (02) 539-1263 |

### Fire

|                              |               |
|------------------------------|---------------|
| Emergency.....               | 102           |
| East Jerusalem Station ..... | (02) 628-2222 |
| West Jerusalem Station ..... | (02) 678-9401 |

### Alcohol and Drug Abuse Counseling

|                                  |               |
|----------------------------------|---------------|
| Alcoholism Treatment Center..... | 1800-205-077  |
| Jerusalem Anti-Drug Union .....  | (02) 623-6485 |

### Counseling & Victim Assistance

|  |           |
|--|-----------|
| Rape Crisis for Men.....   | 1203      |
| Rape Crisis for Women.....                                       | 1202      |
| Jerusalem Center Sexual Assault Victims Advocate Jill Judd ..... | ext. 2525 |

### Domestic Violence and Sexual Assault

|                                |               |
|--------------------------------|---------------|
| Child Abuse Hotline.....       | 1-800-220-000 |
| Child Abuse Reporting.....     | 118           |
| Domestic Violence Hotline..... | 1-800-220-000 |
| Women's Shelter.....           | (02) 671-2446 |

### Health Care

|                                   |               |
|-----------------------------------|---------------|
| Emergency.....                    | 101           |
| Hadassah Hospital Ein Kerem ..... | (02) 677-7111 |
| Hadassah Hospital Mt. Scopus..... | (02) 584-4111 |

Terem Medical Center ..... (02) 509-3334

Wolfson Medical Center ..... (02) 561-0297

Reporting Hazards

Jerusalem Center Housing ..... 2307

Jerusalem Center Security Office ..... (02) 626-5666

## Message from Julie Franklin



Brigham Young University is committed to making the campus a safe and secure environment in which everyone, from students to faculty and staff, can successfully and safely achieve their goals. This Annual Security Report is just one way BYU helps students and employees create a safe place to live, work, and learn.

This report is provided in compliance with federal law and contains reports of crimes and fires occurring on or near the BYU Jerusalem Center campus in 2018, as well as the previous two years for comparison. You will also find campus safety and security policies that are designed to inform you of practices that can help keep you safe, as well as resources available to you at BYU and in the Jerusalem Center area. We hope you will find this report valuable. Please review this information carefully and, in particular, the crime prevention tips included. Personal safety is a responsibility of everyone, and we need your assistance in helping to make our campus a safe environment.

Thank you for taking the time to read this annual security report and for helping to make the BYU community a safe and secure place to help prepare students for lifelong learning and service.

Sincerely,

*Julie L. Franklin*

Julie L. Franklin  
Student Life Vice President

## What is the Clery Act?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act—known as the Clery Act—is named for Jeanne Clery, a 19 year-old Lehigh University student who was raped and killed in her dorm room in 1986. The law was originally enacted in 1990 as the Crime Awareness and Campus Security Act (Title II of Public Law 101–542), which amended the Higher Education Act of 1965.

The Clery Act requires all postsecondary educational institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. Specifically, higher education institutions subject to the law must do the following:

- Collect, report, and disseminate crime data.
- Develop policy statements regarding campus safety.
- Prepare and distribute an annual security report.
- Issue campus timely warnings and emergency notifications to the campus community.
- Submit crime statistics to the Department of Education.

The Clery Act has been amended many times to include additional requirements. The Act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions about where to attend school.



JEANNE CLERY

This document is designed to provide students and employees with information concerning personal safety and university policies, and to comply with federal law. The university prepares and publishes the report annually by compiling updated policy information and relevant crime data maintained in its police department, reported by campus security authorities, and provided by local law enforcement. The university's Integrity and Compliance Office provides statutory and regulatory compliance oversight of the report's contents. For additional information or to submit changes and corrections to this report, please contact the Clery Act Compliance Coordinator Karen Ellingson at 801-422-0559 or email to [karen\\_ellingson@byu.edu](mailto:karen_ellingson@byu.edu).

## Collecting Crime Data and Reporting Procedures



The Clery Act requires universities to annually disclose statistics for certain reported crimes and categorize them based on the following criteria:

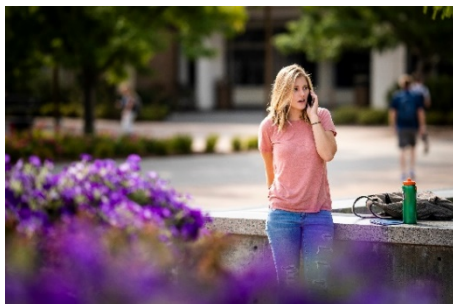
- the person who received the crime report,
- the type of crime reported,
- the year in which the crime was reported, and
- the geographic location where the reported crimes occurred.

For purposes of the Clery Act, relevant geographic locations include campus, public property within or immediately adjacent to campus, and certain noncampus buildings or property that are owned or controlled by the reporting university.

Statistics are collected from the following sources:

- University Police
- Campus security authorities (CSAs)
- EthicsPoint compliance hotline
- Provo Police Department

The crime statistics tables reflect specific crimes and arrests reported



to the sources identified as campus security authorities.

In accordance with the Clery Act, these crimes are classified based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). For sex offenses only, the definitions are from the FBI's National Incident-Based Reporting System edition of the UCR.

Hate crimes are defined according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Although the law states that institutions must use the UCR for defining and classifying crimes, it does not require Clery Act crime reporting to meet all UCR standards. Definitions for the crimes and offenses listed in the following tables are included in Appendix A.

The Crime Statistics tables may or may not reflect the number of crimes actually committed on campus; however, they do accurately record the number of crimes reported to campus security authorities.

Each table shows the number of crimes reported for each identified category for a three-year period.



### Crime Log and Campus Warnings

In addition to providing the annual security report, the Clery Act also requires universities to provide notice throughout the year about incidents affecting the campus community. BYU maintains a daily crime log of reported incidents on campus. This log is provided by University Police and is available online at <https://police.byu.edu/> by clicking on "Police Blotter."

Additionally, the Clery Act requires universities to issue emergency notifications. These notifications are to be sent "upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus."

Designated university officials are responsible for issuing warnings and emergency notifications to the campus community. These warnings are intended to alert the community to situations affecting their safety. University officials issue either a timely warning or other emergency notification that is based on the information available.



## 2016-2018 Reported Crime Statistics

Crime statistics data for campus, residential halls, and non-campus property was obtained from campus security authorities connected to the Jerusalem Center. Public property data is listed on page 10.

### Crime Statistics Tables

| Criminal Offenses                 | Campus and Residence Hall Totals |      |       |      |       |      | Non-Campus Property |      |      | Public Property* |      |      |
|-----------------------------------|----------------------------------|------|-------|------|-------|------|---------------------|------|------|------------------|------|------|
|                                   | 2016                             | 2016 | 2017  | 2017 | 2018  | 2018 | 2016                | 2017 | 2018 | 2016             | 2017 | 2018 |
|                                   | Total                            | RH   | Total | RH   | Total | RH   |                     |      |      |                  |      |      |
| Murder/Non-Negligent Manslaughter | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Negligent Manslaughter            | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Rape                              | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Fondling                          | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Incest                            | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Statutory Rape                    | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Robbery                           | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Aggravated Assault                | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Burglary                          | 0                                | 0    | 2     | 0    | 2     | 0    | 0                   | 0    | 0    |                  |      |      |
| Motor Vehicle Theft               | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Arson                             | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |

\*See State of Israel Crime Statistics Table on page 10.

| Hate Crimes                              | Campus and Residence Hall Totals |      |       |      |       |      | Non-Campus Property |      |      | Public Property* |      |      |
|--|----------------------------------|------|-------|------|-------|------|---------------------|------|------|------------------|------|------|
|  | 2016                             | 2016 | 2017  | 2017 | 2018  | 2018 | 2016                | 2017 | 2018 | 2016             | 2017 | 2018 |
|  | Total                            | RH   | Total | RH   | Total | RH   |                     |      |      |                  |      |      |
| Murder/Non-Negligent Manslaughter        | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Negligent Manslaughter                   | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Rape                                     | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Fondling                                 | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Incest                                   | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Statutory Rape                           | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Robbery                                  | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Aggravated Assault                       | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Burglary                                 | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Motor Vehicle Theft                      | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Arson                                    | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Larceny-Theft                            | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Simple Assault                           | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Intimidation                             | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Destruction/Damage/Vandalism of Property | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |

\*See State of Israel Crime Statistics Table on page 10.

| VAWA Offences     | Campus and Residence Hall Totals |      |       |      |       |      | Non-Campus Property |      |      | Public Property* |      |      |
|-------------------|----------------------------------|------|-------|------|-------|------|---------------------|------|------|------------------|------|------|
|                   | 2016                             | 2016 | 2017  | 2017 | 2018  | 2018 | 2016                | 2017 | 2018 | 2016             | 2017 | 2018 |
|                   | Total                            | RH   | Total | RH   | Total | RH   |                     |      |      |                  |      |      |
| Domestic Violence | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Dating Violence   | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Stalking          | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |

\*See State of Israel Crime Statistics Table on page 10.

| Arrests                    | Campus and Residence Hall Totals |      |       |      |       |      | Non-Campus Property |      |      | Public Property* |      |      |
|----------------------------|----------------------------------|------|-------|------|-------|------|---------------------|------|------|------------------|------|------|
|                            | 2016                             | 2016 | 2017  | 2017 | 2018  | 2018 | 2016                | 2017 | 2018 | 2016             | 2017 | 2018 |
|                            | Total                            | RH   | Total | RH   | Total | RH   |                     |      |      |                  |      |      |
| Illegal Weapons Possession | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Drug Law Violations        | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Liquor Law Violations      | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |

\*See State of Israel Crime Statistics Table on page 10.

| Disciplinary Referrals     | Campus and Residence Hall Totals |      |       |      |       |      | Non-Campus Property |      |      | Public Property* |      |      |
|----------------------------|----------------------------------|------|-------|------|-------|------|---------------------|------|------|------------------|------|------|
|                            | 2016                             | 2016 | 2017  | 2017 | 2018  | 2018 | 2016                | 2017 | 2018 | 2016             | 2017 | 2018 |
|                            | Total                            | RH   | Total | RH   | Total | RH   |                     |      |      |                  |      |      |
| Illegal Weapons Possession | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Drug Law Violations        | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |
| Liquor Law Violations      | 0                                | 0    | 0     | 0    | 0     | 0    | 0                   | 0    | 0    |                  |      |      |

\*See State of Israel Crime Statistics Table on page 10.

## State of Israel Crime Statistics Table

The numbers listed below for crimes on public property for The State of Israel and are compiled from the Central Bureau of Statistics' Monthly Bulletin of Statistics. These numbers may vary as files are closed. Please note that this data encompasses a much larger area than the geography immediately adjacent to the Jerusalem Center.

| Criminal Offenses                                       | Year Totals       |                   |                   |
|---|-------------------|-------------------|-------------------|
|   | 2016 <sup>1</sup> | 2017 <sup>2</sup> | 2018 <sup>3</sup> |
| <b>SECURITY OF THE STATE - TOTAL</b>                    | 15,329            | 16,176            | 8,845             |
| Violation Of Emergency Laws                             | 1,183             | 1,199             | 660               |
| Infiltration  | 37                | 30                | 31                |
| Stone-throwing  | 4,906             | 5,261             | 2,789             |
| Petrol bomb-throwing                                    | 564               | 651               | 459               |
| Incitement  | 396               | 154               | 34                |
| Other Offences  | 8,243             | 8,881             | 4,872             |
| <b>PUBLIC ORDER - TOTAL</b>                             | 137,652           | 141,603           | 84,166            |
| Brawls and Disturbing the Peace                         | 3,047             | 3,061             | 1,781             |
| Trespass  | 8,773             | 9,439             | 5,103             |
| Threats   | 53,532            | 53,953            | 31,700            |
| Offenses Against Judicial Authority                     | 19,110            | 19,558            | 11,711            |
| Forbidden Games and Gambling                            | 513               | 553               | 278               |
| Nuisance, Noise, Blocking of Public Roads               | 1,598             | 1,620             | 800               |
| Offenses Relating to Marriage                           | 666               | 789               | 359               |
| Assault on or Foiling of Police Officer                 | 10,862            | 11,531            | 6,864             |
| Violation of the Law of Entry to Israel                 | 13,180            | 15,094            | 9,770             |
| Other Offenses  | 26,371            | 26,005            | 15,800            |
| <b>AGAINST PERSON'S LIFE - TOTAL</b>                    | 983               | 850               | 485               |
| <b>BODILY HARM - TOTAL</b>                              | 61,661            | 61,328            | 36,816            |
| Grievous Bodily Harm                                    | 5,453             | 5,394             | 3,244             |
| Assault   | 52,153            | 51,909            | 31,045            |
| Criminal Negligence                                     | 3,206             | 3,231             | 2,062             |
| Kidnapping, Coercion, False Imprisonment                | 593               | 550               | 346               |
| Erection of Barrier                                     | 167               | 132               | 61                |
| Other Offenses  | 89                | 112               | 58                |
| <b>SEXUAL OFFENSES - TOTAL</b>                          | 6,801             | 7,148             | 4,235             |
| Rape  | 1,440             | 1,480             | 871               |
| Indecent Assault  | 4,092             | 4,339             | 2,671             |
| Sexual Harassment                                       | 1,236             | 1,329             | 693               |
| <b>MORALITY - TOTAL</b>                                 | 36,184            | 41,895            | 28,903            |
| Offenses Relating to Prostitution                       | 257               | 222               | 117               |
| Use of Illicit Drugs                                    | 23,556            | 26,903            | 17,823            |
| Drug Trafficking, Imports and Exports                   | 6,603             | 7,503             | 5,724             |
| Growth, Manufacture and Production of Illicit Drugs     | 993               | 1,399             | 973               |
| Possession of Drugs Not for Personal Use                | 4,431             | 5,465             | 4,094             |
| Other Offenses  | 344               | 403               | 172               |
| <b>PROPERTY - TOTAL</b>                                 | 163,385           | 155,669           | 85,000            |
| Robbery   | 1,188             | 1,209             | 639               |
| Assault for Theft                                       | 338               | 357               | 191               |
| Extortion   | 1,487             | 1,338             | 865               |
| Breaking and Entering (Business, Institution, Dwelling) | 25,245            | 23,520            | 11,645            |
| Thefts  | 94,681            | 88,671            | 48,601            |
| Receiving or Possessing Stolen Property                 | 4,370             | 4,236             | 2,155             |
| Arson   | 2,707             | 2,700             | 1,647             |

<sup>1</sup> <https://www.cbs.gov.il/he/publications/DocLib/2018/yarhon0118/q1.pdf> (last updated Feb. 6, 2018)

<sup>2</sup> <https://www.cbs.gov.il/he/publications/DocLib/2019/yarhon0119/q1.pdf> (last updated Feb. 9, 2019)

<sup>3</sup> <https://www.cbs.gov.il/he/publications/DocLib/2019/yarhon0819/q1.pdf> (last updated Sept. 3, 2019)

| Criminal Offenses                     | Year Totals   |               |               |
|---------------------------------------|---------------|---------------|---------------|
| Willful Damage to Property            | 30,964        | 31,130        | 17,828        |
| Other Offenses                        | 2,405         | 2,508         | 1,429         |
| <b>FRAUD - TOTAL</b>                  | <b>22,367</b> | <b>18,846</b> | <b>10,950</b> |
| Forgery (Currency, Stamps, Documents) | 7,538         | 6,440         | 3,321         |
| Fraud, Extortion                      | 7,865         | 6,038         | 3,559         |
| Other Offenses                        | 6,964         | 6,296         | 4,070         |
| <b>ECONOMIC OFFENSES</b>              | <b>803</b>    | <b>1,017</b>  | <b>629</b>    |
| <b>LICENSING OFFENSES</b>             | <b>1,386</b>  | <b>1,644</b>  | <b>924</b>    |
| <b>OTHER OFFENSES - TOTAL</b>         | <b>1,996</b>  | <b>2,470</b>  | <b>1,644</b>  |



## Reporting Crimes and Emergencies

### Who Do I Contact?

The BYU Jerusalem Center encourages accurate and prompt reporting of all crimes and emergency situations to local law enforcement and other authorities, even when a crime victim is unable to or hesitant to report. Immediate reporting allows authorities to identify crimes and situations which pose an immediate or ongoing threat to our campus, and send out an emergency notification to protect the campus community and prevent crime. Crimes should be reported to the Jerusalem Center Security Office and to the appropriate law enforcement body.

### Reporting Crimes

#### Jerusalem Center Security Office

Center Issued Cell Phone: Dial 2

Jerusalem Center Land Line: Dial 0

Off-Campus Phone: (02) 626-5666

#### Israel Police

Emergency: 100

It is important for all criminal activity and unsafe situations to be reported in a timely manner to increase the safety on our campus and to enable the university to disclose accurate crime statistics in its annual security report. When crimes are reported at the Jerusalem Center, the center's director and administrators will work with the campus community to provide appropriate and timely warning, promote safety, and prevent reoccurrence of the crime. Any of the following are prepared to receive crime reports.

#### Israel Police

Israel Police has jurisdiction over all law enforcement-related issues occurring on university properties. Crimes in progress, suspicious circumstances, medical emergencies, and other campus emergencies should be immediately reported to the Israel Police.

#### Emergency Telephones

All Jerusalem Center emergency phones are located in accessible areas on every floor. Dialing 0 from any of these phones connects you directly to the Jerusalem

Center Security Office (JCSO), 24 hours a day. Students are also issued cell phones from which they may speed dial 2 to contact the JCSO. When using a Center phone, dial 0 and stay on or near the phone; a JCSO officer will be immediately sent to the scene.

#### EthicsPoint Compliance Hotline

The university contracts with a third party to provide an anonymous compliance hotline—EthicsPoint—for reporting non-emergency incidents on a voluntary and confidential basis, either by phone or online. The hotline is a way to report reasonable suspicion of noncompliance with law or policy, particularly when other methods of reporting may be unavailable or otherwise inappropriate or ineffective under the circumstances.

The EthicsPoint hotline should be used if you are uncomfortable reporting suspected compliance violations through normal reporting lines, if you fear retaliation from doing so, or if other direct internal resolution mechanisms have not resolved a compliance issue. Do not use the compliance hotline to report a crime in progress, an emergency, or any other event presenting an immediate threat to a person or property. The hotline does not replace other channels for reporting concerns that can be directed to a particular office. For example, sexual harassment or sexual violence may be reported directly to the Title IX Office. Those who report should be prepared to explain the issue in detail.

After a report is submitted, the person who created the report should follow up regularly, either by internet or phone, to answer any posted questions and receive updates.

#### Campus Security Authorities (CSAs)

The Jerusalem Center Security Office is the preferred contact for reporting campus crimes. However, individuals may also report criminal incidents to campus security authorities, who include individuals responsible for campus security and others who have been designated due to their significant responsibility for student and campus activities. Specifically, the following persons and organizations may receive reports of criminal offenses:

- Executive Director Eran Hayet, ext. 2706, [eran@jc.byu.ac.il](mailto:eran@jc.byu.ac.il)
- Associate Director Tawfic Alawi, ext. 2705, [tawfic@jc.byu.ac.il](mailto:tawfic@jc.byu.ac.il)
- Associate Director Frank Judd, ext. 2708, [frank\\_judd@byu.edu](mailto:frank_judd@byu.edu).

### Pastoral and Professional Counselors

A pastoral counselor is a person who is associated with a religious order or denomination, and is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the campus community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the university but are under contract to provide counseling to the campus community.

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may have learned about. This is similar to the privilege provided under certain circumstances to doctors and attorneys when they may learn of crimes from patients or clients. This exemption is intended to protect the counselor-client role. However, even these legally recognized privileges acknowledge some exemptions, such as certain situations in which counselors are in fact under a legal obligation to report a crime.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a pastoral or professional counselor, is considered to be a counselor for the purposes of the Clery Act. An example is a BYU Ph.D. counselor-trainee acting under the supervision of a professional counselor.

However, a dean of students who has a professional counselor's license, but who is employed by the university only as a dean and not as a counselor, is not exempt from reporting. If that same dean is employed by

BYU as both a professional counselor and an academic counselor, and he or she learns of a criminal incident while he or she is engaged in academic counseling, he or she is not exempt from reporting that incident. If an individual has dual roles, one as a professional or pastoral counselor and the other as an official who qualifies as a campus security authority, and the roles cannot be separated, that individual is considered a campus security authority and is obligated to report Clery crimes of which they are aware.

An individual who is counseling students and/or employees, but who does not meet the Clery Act definition of a pastoral or professional counselor, is not exempt from being a campus security authority if they otherwise have significant responsibility for student and campus activities. This includes positions such as the director of the Student Health Center, the director of the Counseling Center, the director of Women's Services and Resources, etc. University professional counselors and ecclesiastical counselors are encouraged to make individuals aware of the EthicsPoint compliance hotline as an alternative means of confidentially and anonymously reporting crime.

## Security of Campus Facilities

The MOR Company maintains university buildings, grounds, and housing facilities with a focus on safety and security. They regularly inspect these facilities, promptly make repairs, and respond 24-hours-a-day to reports from the public or police of potential safety and security hazards. Representatives from JCSO and the MOR Company periodically inspect the entire campus to review lighting and environmental safety concerns. The Jerusalem Center is open to the public three times a week for tours between 10:00am-11:30am, 2:00pm-3:30pm, and for concerts on some evenings between 7:00pm-9:30pm. During these hours, guests are not allowed access to dormitory and student activity areas. Center hosts remain with guests at all times.

The Jerusalem Center is officially closed at all other times and only students and authorized personnel have access to the building. The residences for single students, faculty members and their families, and volunteer couples are all located on the bottom four levels of the Jerusalem Center. JCSO officers regularly patrol this area and work closely with the Housing Couple to promote safety and security. Residence halls are restricted to persons who live and work at the Center. All building entrances remain locked 24-hours a day and can only be accessed with proximity cards or through security clearance. JCSO officers patrol the premises twenty-four hours a day, monitor the entry and exit of every individual, and accompany guests through the Center.

### Campus Law Enforcement

#### Police

Law enforcement-related services are provided by the Israel Police. For more information on the Israel Police, go to the following web site: [www.police.gov.il](http://www.police.gov.il). Students are also encouraged to report crimes to the Jerusalem Center Security Office.

#### *Authority: Jerusalem Center Security Office*

The Jerusalem Center Security Office (JCSO) is staffed with professional and highly trained security officers. These officers, some with military experience, and some with a law enforcement background, work closely with the Israel Police. JCSO officers do not have the authority to make arrests.

#### *Local Police: Israel Police*

The Israel Police is the civilian police force of Israel. As with most other police forces in the world, its duties include crime fighting, traffic control, maintaining public safety, and counter-terrorism. It is under the jurisdiction of Israel's Minister of Public Security. The National Headquarters of the Israel Police is located in the Government offices named after Begin in Jerusalem. For more information on the Israel Police force please visit: <http://mops.gov.il/ENGLISH/POLICINGENG/POLICE/Pages/default.aspx>

#### *Training*

Jerusalem Center security officers receive regular training in firefighting, building safety, first aid, CPR, self-defense and crime prevention. The training focuses more on preventative measures rather than investigative, considering legal restraints and local police precedence in investigative matters. Reporting Crimes Immediately report all crimes, suspicious activity and circumstances, and medical emergencies to Jerusalem Center Security Office. Officers are available twenty-four hours a day. Similar incidents or activities may also be reported to campus security authorities, University Police, and via EthicsPoint.

#### Off-Campus Student Organizations

BYU does not recognize off-campus student organizations. Local law enforcement agencies are responsible for policing off responsible for policing off-campus student residences.

## Resources for Prevention and Awareness

### Personal Safety Tips

Personal Safety is everyone's responsibility. The following information will help you deal with or avoid certain criminal events:

- Always be aware of your surroundings.
- Know where you are going and the safest way to get there.
- Walk in well-traveled, well-lit areas.
- Walk with confidence.
- Know where the nearest police or fire station is located.
- Carry a whistle, a small keychain type flashlight, and a cell phone.
- Unless you are properly trained, pepper spray or mace is not recommended.
- Take special care when jogging or biking. Take a friend and vary your route.
- Avoid isolated areas and do not wear headphones.
- Do not stand too close to a driver when asking for directions.
- If you are being followed, show that you are suspicious. Turn your head and look.
- If someone is following you on foot, change directions.

The Jerusalem Center is a remarkable place to live, work, and study. Historically, the campus has experienced lower crime rates than many other educational institutions of similar size. However, the campus is not immune to the criminal acts of others. BYU's crime prevention programs and measures, though effective, are not substitutes for one's responsibility to practice good safety habits. Preventing and reducing crime also requires a campus community effort.

### International Study Abroad Programs

Safety and security training is provided to all students traveling abroad through the study program in which they are enrolled. Additional information may be obtained from the Kennedy Center.

Kennedy Center for International Studies  
101 HRCB BYU  
801-422-3686 or 801-422-3377  
[kennedy@byu.edu](mailto:kennedy@byu.edu)

Jerusalem Center Provo Office  
101 HCEB BYU  
801-422-6017 or 801-422-2077

Jerusalem Center Security Office  
Tarek Safadi,  
011-972-2-626-2717  
[tareks@jc.byu.ac.il](mailto:tareks@jc.byu.ac.il)

Individuals traveling abroad should also visit the U.S. Department of State website (<http://www.state.gov/>) for further information pertaining to travel tips, warnings, and other pertinent information.

### See Something—Say Something

"If You See Something, Say Something®" is a national campaign launched by the U.S. Department of Homeland Security that raises public awareness of the indicators of terrorism and terrorism-related crime, as well as the importance of reporting suspicious activity to state and local law enforcement. Did you see something suspicious commuting to work or grabbing some lunch? Then say something to University Police or local law enforcement to make it right.



## Theft Prevention Tips

Theft on campus is a frequently reported crime. As with crimes against persons, the best defense against theft is vigilance. The following tips may help you protect your personal property:

- In a public setting, never leave personal belongings unattended even for a minute.
- Keep doors and windows locked.
- Do not keep large amounts of money in your room or on your person.
- On campus, lock your bicycle with a quality lock system in approved bicycle racks.
- Register your bicycle with local police or with the University Police.
- Do not lend your keys, credit cards, or BYU ID card to anyone.
- Do not attach ID to your keys.
- Engrave ID numbers on personal property (do not use your social security number).
- Keep records of your property, including description, make, model, and serial number.
- Do not leave your laundry unattended in public laundry facilities.
- Always lock your car and remove valuables or place them in the trunk of the car.

## Crimes and Other Situations

### Active Shooter

To survive an active shooter incident, one must develop a survival mindset and a course of action. A survival mindset is a protective shield with three components: awareness, preparation, and rehearsal.

#### *Shots Fired*

The University Police website has an online video that explains what to do in an active shooter situation in detail. To view this short video, please go to [police.byu.edu](https://police.byu.edu) and click on the “Shots Fired” icon in the “Campus Security” section of the home page.

#### *Flash Point!*

The BYU Police website has an online video called Flash Point! that teaches violence awareness and provides the following formula: “Awareness + Action = Prevention.” In order to view this video, go to [police.byu.edu](https://police.byu.edu) and click on the “Flash Point” icon in the “Campus Safety” section of the home page.

## Active Shooter Response

- Figure out the situation.
- Get out to a safer area if you can.
- Call out to the police.
- Hide out if you are unable to get out.
- Keep the shooter out by blocking doorways, etc.
- Spread out (do not huddle together) and quietly develop a plan of action.
- Take out the shooter. Assume the shooter’s intentions are lethal and be prepared to do whatever it takes (survival mindset) to neutralize the threat.

# Sexual Assault Prevention and Response

## Prevent Assault

No victim is responsible for the actions of their attacker, but there are some steps you can take to help protect yourself. Avoid circumstances that may make you vulnerable to assault. These include jogging at night and walking near dense shrubbery where assailants might hide. You should always stay near well-lighted paths and walkways at night, carry a cell phone and a whistle to summon help, and let friends or family know where you are going and when you will return. Lock windows and doors, and close drapes and blinds while dressing.

## Sexual Misconduct Policy

A copy of the university's current Sexual Misconduct Policy, which sets forth the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, is attached as Appendix B. The policy is also available online at <https://policy.byu.edu/view/index.php?p=155>.

## Educational Programs and Campaigns

BYU's Title IX Office is committed to sponsoring and conducting events and campaigns that effectively promote the awareness and prevention of sexual harassment, dating violence, domestic violence, sexual assault/sexual violence and stalking. Additionally, the university aims to make the campus community aware of risk reduction methods and positive options for bystander intervention where any of these behaviors occur.

The events, campaigns, and trainings at BYU include in-person trainings (such as trainings during new student orientation), passive poster and banner campaigns (including Domestic Violence Awareness month), and prevention and awareness events that call for active participation by students and the members of the campus community (such as Voices of Courage and the Sexual Assault Awareness month pledge wall).

Our events, campaigns, and trainings are tasteful, sensitive, and consistent with our campus values, and in keeping with legal guidance to be "culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome." 34 C.F.R. § 668.46 (a)(i)(A). BYU's educational programs to prevent and raise awareness about consent, dating violence, domestic violence, sexual assault, and stalking include and refer to state law definitions, which can be found in Appendix A, Crime Definitions.

A calendar of events with more detailed descriptions can be found by visiting <https://titleix.byu.edu/calendar> or go to [titleix.byu.edu](https://titleix.byu.edu) and click on "Events." Additionally, online training modules for students are available at <https://training.titleix.byu.edu/>.

## Bystander Intervention and Risk Reduction

The only person responsible for committing sexual assault is a perpetrator, but all of us have the ability to look out for each other's safety. Whether it's giving someone a safe ride home from a party or directly confronting a person who is engaging in inappropriate behavior, each of us can make a difference in ending sexual misconduct on campus and in our communities.

The university encourages all members of the campus community to be engaged bystanders—persons who intervene in a positive way before, during, or after a situation or event in which they see or hear behaviors that promote sexual misconduct in any of its forms. A bystander is a person who is present when an event takes place but isn't directly involved. Bystanders might be present when sexual assault or abuse occurs, or they could witness the circumstances that led up to these crimes. Through positive bystander intervention, you can make a difference in other people's lives.

## How to Intervene: C.A.R.E.

Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, and overcoming barriers to intervening. It's important to be aware of what's going on around you and behavior that seems out-of-place or concerning. We can all make the decision that we have a responsibility to help when we observe trouble and then choose positive and safe ways to intervene.

There is no single "right" way to intervene, and what is appropriate depends on the situation and the individuals involved. Here are four basic steps you can take to be an engaged bystander when a harmful event is occurring. All it takes is for you to C.A.R.E.!

### *Create a Distraction*

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

- Cut off the conversation with a diversion like, "Let's get pizza, I'm starving," or "This party is lame. Let's try somewhere else."
- Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
- Start an activity that draws other people in, like a game, a debate, or a dance party.

### *Ask Questions*

Talk directly to the person who might be in trouble.

- Ask questions like "Who did you come here with?" or "Would you like me to stay with you?"

### *Refer to an Authority*

Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like an RA, a security guard, waiter, or another employee. Tell them about your concerns. It's in their best interest to ensure that their patrons are safe, and they will usually be willing to step in. Don't hesitate to call 911 if you are concerned for someone else's safety.

### *Enlist Others*

It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort them to the bathroom.
- Enlist the friend of the person you're concerned about. "Your friend looks like they've had a lot to drink. Can you check on them?"

## How Can I Help?

Sometimes, you may not witness the event during which harm was caused, but you can be an engaged bystander. You can intervene by helping and supporting a victim. If the individual is a victim of dating violence, domestic violence, sexual violence, or stalking, remember that these behaviors are crimes and the victim is NOT at fault, nor are they responsible for another person's criminal behavior. These are all actions you can take:

- Listen. Be there. Communicate without judgment.
- Encourage a victim to seek medical attention immediately if the circumstances warrant it.
- Encourage the victim to seek professional help such as counseling or therapy.
- Remind the victim that they have the option of informing the police.
- Report instances of Sexual Misconduct to the university Title IX Coordinator, who will be able to help victims access additional resources.

RAINN.org

<https://www.rainn.org/articles/help-someone-you-care-about>

Voices of Courage



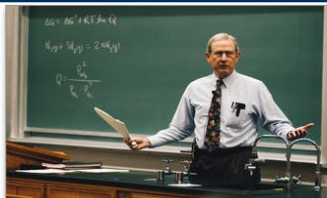


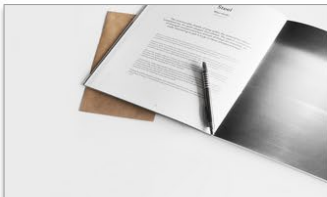


Creating a Culture of Non-violence  
[Voicesofcourage.byu.edu](http://Voicesofcourage.byu.edu)

BYU Title IX

<http://titleix.byu.edu>

You CAN make a difference. You can be the difference by being an engaged bystander. For more information about being an engaged bystander and supporting victims and survivors of sexual misconduct visit the BYU Title IX website at <http://titleix.byu.edu>. Click on “Online Training” and watch the short video under the “Student Training” link. The BYU Sexual Misconduct Policy can be found in Appendix B or online at <https://policy.byu.edu/view/index.php?p=155>.

**BYU Title IX**

|   |   |  |  |
|---|---|--|--|
|  <p><b>Information for Victims</b></p> <p>If you are a victim of dating violence, domestic violence, sexual assault, or stalking—whether the offense occurred on or off campus—there are multiple resources available to you.</p> |  <p><b>Information for Responding Parties</b></p> <p>If you have been accused of sex discrimination, sexual violence, dating violence, domestic violence, stalking, or other gender-based harassment <a href="#">more...</a></p> |  <p><b>Safety and Prevention</b></p> <p>You can take an active role in increasing your safety or the safety of those you care about.</p>   |  <p><b>Education and Awareness</b></p> <p>This page provides access to reliable, helpful, and current information on a variety of topics related to dating violence, domestic violence, sexual assault, and stalking.</p> |
|  <p><b>Online Training</b></p> <p>Find access to online trainings for students, faculty, and employees.</p>   |  <p><b>University Policy</b></p> <p>Here you will find the university's policies on Sexual Misconduct, Nondiscrimination and Equal Opportunity, Child Protection, and Sex Offenders.</p>   |  <p><b>Campus and Community Resources</b></p> <p>Brigham Young University is dedicated to providing an environment free from unlawful sex discrimination and here you will find resources provided <a href="#">more...</a></p> |  <p><b>Contact Us</b></p> <p>Know who you can contact in the Title IX Office to report an incident or to just ask a question.</p>   |

**Overcoming Barriers to Being an Engaged Bystander**  
Sometimes, you and others may witness a harmful situation occurring, but you decide not to positively intervene. Some reasons that people give themselves for not being an engaged bystander include the following:

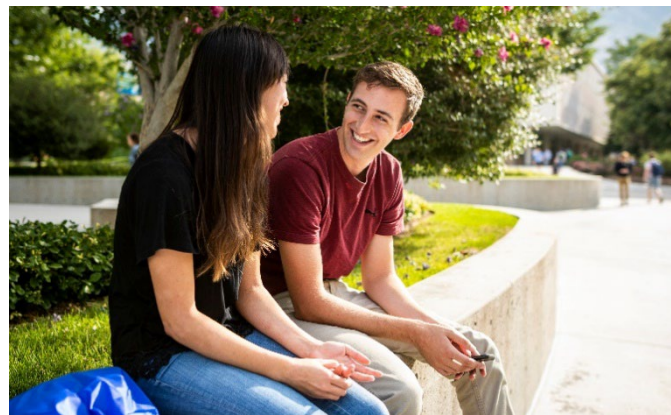
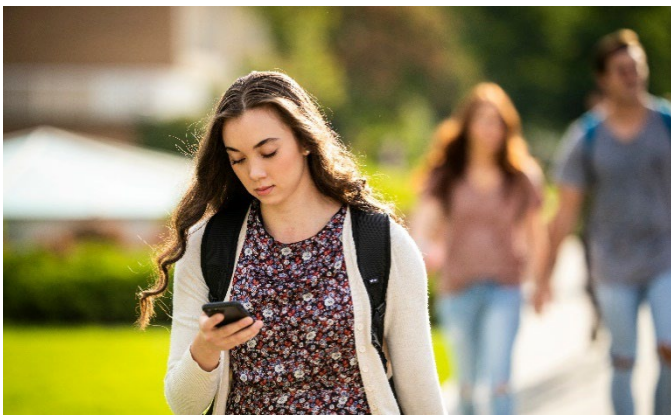
- Someone else will take care of it, help, or speak up.
- It's none of my business.
- It's not my responsibility.
- I am afraid of what other people might say or think about me if I do something.
- They might do something to me if I try to help the person they're harming.
- It doesn't seem like that big of a deal.
- It must be okay, because no one else is doing anything about it.
- I'm too busy. I have my own problems to take care of.

These may be legitimate concerns, but you can overcome these types of barriers by considering the

following responses to the corresponding statements above:

- I can do something about this and get other people to help too.
- I want to help, because if I were in the same situation as that person, I hope someone would help me.
- People might say or think certain things about me, but I would rather help than wonder if I could have done something to stop the harm. What could happen if I don't help seems scarier than the alternative.
- I can enlist help from others or the police if I'm worried about getting hurt or someone retaliating against me.
- It's a big deal to that person who is being harmed, and I can help them.
- What's going on is not okay, and I bet everyone else is thinking the same thing.
- I am never too busy to help someone in need.





### Recognize Ways to Prevent Harm

When someone causes harm to someone else, it is the person causing the harm that is at fault. There are things individuals and communities can do to reduce the risk of being victimized by perpetrators. Regarding sexual misconduct, be sure to advise others of the following when the time is appropriate.

- Be extremely cautious when responding to personal classified ads or using social media and dating apps to meet new people. Furthermore, remain cautious if you decide to meet someone you have only connected with online or over the phone.
- Often when using social media, we allow others to have access to our contact information and details about where we have been and where we currently are. Reconsider what information you make available on social media. Consider whether you would give the information to a stranger, and if not, then it is likely not safe to post the information on social media.
- If you are meeting a date for the first time, consider taking a friend with you, or at the very least tell your roommates or family members where you are going and with whom you are meeting.
- Do not accept a ride from someone you do not know, including a blind date. Consider providing your own transportation to and from the date. Be independent and aware in social settings. Express opinions on where to go and appropriate places to meet.
- Carry your cell phone with you and keep it charged. Save emergency contact numbers into your phone and have the most important emergency contact phone numbers memorized

just in case you need to make a call and you don't have your cell phone with you.

- If you are dating or getting to know someone, remember that it takes time to build healthy relationships and to truly get to know an individual. Arrange group or double dates to give you time to get to know someone well.
- Lock your residence and car doors to reduce the risk of having unwanted visitors. Utilize the university's Safe Walk Program provided by University Police if you are uncomfortable walking alone on campus at night.

At times, there may be circumstances that make you wonder whether positively intervening will actually be the right thing to do or if it will cause trouble for you or the person you are trying to help. For example:

- You might worry that calling the police if you hear your neighbors violently arguing or fighting next door will get your neighbors in trouble,
- You might worry that if you make a report to the university's Title IX Office about a friend being sexually assaulted, your friend will get in trouble if they initiated any of the sexual activity that happened right before they were assaulted, or
- You might worry because the perpetrator is someone that is highly regarded by your roommates, friends, or your ward members, and therefore, no one will believe you when you make a report

Though these circumstances may seem difficult to address, the most important thing that can be done is to get help for the victim. Reporting sexual misconduct can help the victim, may prevent others from being victimized, and helps to end behavior and conditions that facilitate violence. Again, ignoring harmful situations and not addressing them is never the right option.

## Information and Procedures for Victims

If you are a victim of dating violence, domestic violence, sexual assault, or stalking—whether the offense occurred on or off campus—there are multiple resources available to you. The following explains what you should do and includes a list of these resources.

**REMEMBER**, dating violence, domestic violence, sexual assault, and stalking are criminal acts and you are NOT responsible for another's act that violates your freedom. Being a victim of Sexual Misconduct is NEVER a violation of the Honor Code. Dating violence, domestic violence, sexual assault, and stalking are violations of the law and BYU's Sexual Misconduct Policy.

If you are the victim of dating violence, domestic violence, sexual assault, or stalking, know that BYU is here to help and is able to take certain protective measures to ensure your safety on campus during and after a university investigation.

### Seek Medical Attention Immediately

If you are a victim of sexual violence or sexual assault, seek medical attention immediately. You can request a free sexual assault examination by contacting the police or by visiting any hospital emergency room or the BYU Student Health Center during its regular business hours. The exam provides care to minimize the risk of sexually transmitted diseases and preserves evidence that will be important if you decide to pursue criminal charges or wish to obtain a protective order against the person who assaulted you. The cost of the exam is covered by the Utah Office for Victims of Crime.

### Preserve Evidence

Do not bathe, shower, or use toothpaste or mouthwash after an incident of sexual assault. Do not wash clothing, bed sheets, pillows, or other potential evidence. However, if you do, you should still seek medical attention as soon as possible— even if some time has passed since the assault.

### Seek Support

Please do not feel you need to deal with this situation alone. Call a friend, family member, or someone with whom you feel you can talk. Confidential counselors at BYU Counseling and Psychological Services are also available 24 hours a day to assist you. Contact them by calling 801-422-3035 or 801-422-2222 after business hours. BYU's sexual assault survivor advocate (801-422-

9071; [advocate@byu.edu](mailto:advocate@byu.edu)) is also available to provide students with confidential support, guidance, and information that can help them make informed choices regarding their situation. Both services are free and confidential.

### Report the Crime

Deciding whether or not to report dating violence, domestic violence, sexual assault, or stalking may be difficult. Making a report to law enforcement is a decision left entirely up to you. As a victim, you have the right to decline to notify law enforcement. If you decide to notify law enforcement, you can be assisted by campus authorities. Contact Jill Judd at extension 2525 for help if you are a victim of sexual offenses.

## Local Police Offices

### Israel Police

Emergency: 100

City Center Police Station—East Jerusalem: (02) 626-0020

City Center Police Station—West Jerusalem: (02) 539-1111

Old City Police Station—West Jerusalem: (02) 622-6222

Tourist Police: (02) 539-1263

### Jerusalem Center Security Office

Center Issued Cell Phone: Dial 2

Jerusalem Center Land Line: Dial 0

Off-Campus Cell Phone: (02) 626-5666

Above is a list of contact information for local police offices. Law enforcement can help you with orders of protection, "no-contact" orders, and restraining orders. BYU cannot represent you in legal proceedings. Please see the list of resources available through Title IX at <https://titleix.byu.edu/resources> for legal assistance.

## Campus and Community Services and Resources for Victims of Sex Offenses

In addition to the resource phone numbers listed at the beginning of this report, BYU also publishes a list and description of victim resources that can be found both on and off campus at <https://titleix.byu.edu/resources>. Additional resources and information about how to respond to and prevent sexual assault on college and university campuses can be found on the “Center for Changing Our Campus Culture” website at <http://changingourcampus.org/>. The Center for Changing Our Campus is an online resource center supported by the Office on Violence Against Women.

## Registered Sex Offenders

In accordance with the federal Campus Sex Crimes Prevention Act (CSCPA) and the Utah Sex Offender Registration Act, notice must be given of registered sex offenders to institutions of higher education if the offender is employed, carries on a vocation, or is a student at the institution. This information is available through University Police.

University Police can provide Jerusalem Center personnel and students with information regarding U.S. citizens who are students at or employed by the Jerusalem Center who are registered sex offenders in the United States.

## Emergency Notification Response, and Evacuations

Upon confirmation of any significant emergency or dangerous situation involving an imminent threat to the health or safety of the campus community, the university will, without delay and taking into account the safety of the community, determine the content of a campus notification and initiate its notification system, unless issuing a notification will—in the professional judgment of responsible authorities—compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Security Department will work to confirm the magnitude and scope of an emergency or dangerous situation and determine what segment of campus needs notice.

If an event warrants immediate notification of the entire campus community, the director will notify students. Unless mitigating factors warrant a delay, alert, information, and reassurance messages will be streamed to the campus community through emails, notices on bulletin boards situated on floors 1-6, short messaging systems (SMS), public addressing system (depending on the urgency of the warning), or announcement sessions. Evacuation and/or shelter-in-place alert directions will be given. Should the incident or threat impact the larger community, the Israel Police will determine whether Jerusalem residents should be alerted.

### On-Campus Threat

Primary shelter-in-place locations – unless otherwise directed by the incident commander:

- Upper Booth
- Lower Booth
- Gymnasium

Alternate shelter-in-place locations

- Level 2 Shelter
- Level 6 Shelter

### Off-Campus Threat

In the event of a threat received, whether on campus or off, the Jerusalem Center Security Office (JCSO) will establish how many of the center's residents are in the building using the center's security systems in place. The

JCSO is able to determine who is in or out of the building at any given time through access records. Anyone affiliated with the center is required to use their micro-encoded card to enter or exit the premises. When the card is passed by the proximity reader, the name and picture of the user is recorded on the system. If a disturbance or demonstration occurs in town, the JCSO will first determine who is out of the building.

Upon confirming that an event warrants immediate notification, JCSO will immediately send out an SMS warning to everyone and call all those out of the center to either return to the center and/or to avoid a certain area. If necessary, JCSO will arrange an escort back to the center.

### Evacuation Drills

Under the direction of the Jerusalem Center Security Office, evacuation drills are conducted on a semester basis. A record is made for each drill that includes a description, the location, date, time, and whether the drill was announced or unannounced.

### Testing

At the beginning of each semester (three times a year) the emergency response system will be tested. The test may be announced or unannounced, and the message sent to the campus community will read as follows: "This is a test of the emergency response system. In the event of a real emergency the alert message will tell you what the emergency is and what to do." A record will be made of each test, including a description, the date and time of the test, and whether it was announced or unannounced. The Security Office will publicize its emergency notification procedures in conjunction with the testing of the emergency response system.

### Timely Warning Policy and Committee

The BYU [Timely Warning Policy](#) has been established with "the intent of providing guidance for the release and dissemination of information to the University community on certain serious crimes that represent a foreseeable threat to students and personnel." The policy further states that "the Timely Notification Committee will review serious crime incidents that may



impact the safety of students and personnel and make appropriate notification to the university community through news media, crime bulletins, email, or other appropriate means.”

Upon confirmation of any significant emergency or dangerous situation involving an imminent threat to the health or safety of the campus community, the university will, without delay and taking into account the safety of the community, determine the content of a campus notification and initiate its notification system, unless issuing a notification will—in the professional judgment of responsible authorities—compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The following methods may be used to disseminate information to the campus community about crimes that have already occurred but represent a serious or continuing threat to the campus community:

- Email
- Notices on bulletin boards (located on floors 1 through 6 of the BYU Jerusalem Center)
- Cell phone call or text message
- Public address system
- Announcement sessions/student meetings

The timely warning committee meets to discuss information on crimes or other events in the community that pose a continuing threat to the center and its participants. The committee evaluates the possible threat, and, if warranted, prepares and disseminates appropriate notifications to the campus community. The committee includes the following members:

- Executive Director
- Associate Directors
- Security Coordinator
- Any designee of the above

This committee will work together to confirm the magnitude and scope of an emergency or dangerous situation and determine what notification is needed. The Center’s procedures for disseminating emergency information to the larger community, concerning an incident or condition occurring within or adjacent to the Center’s grounds or building is to call the appropriate local public safety officials: Israel Police, (if criminal emergency) Israel Defense Forces (IDF) (military), or fire department, if a fire or earthquake emergency.

## Missing Student Notification Policy and Procedure

The following policy and procedure has been established to assist in locating students residing in on-campus housing when, based upon facts and circumstances, the Jerusalem Center Security Office has determined a student to be missing:

If you believe a student has been missing for twenty-four (24) hours, you should immediately alert one of the following:

- Jerusalem Center Security Office (Speed Dial 2)
- Executive Director (ext. 2706)
- Assistant Director (ext. 2705)
- Associate Director (ext. 2708)
- Security Coordinator (ext. 2717)
- Housing Couple

At the beginning of each academic year, the university will inform students residing in on-campus housing that BYU will notify an individual selected by the student within twenty-four hours after the student is determined to be missing. Students may register this emergency contact information confidentially on their [myBYU](#) Personal Information page (log on to [myBYU](#) > click on “Update my Personal Information” link > select “Contact” tab > click on “Emergency Contact” link). Emergency contact information will be accessible only to authorized campus officials, and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

All missing student reports must be immediately referred to the Security Office. Upon determination that a student is missing, Security Office personnel will notify the student’s emergency contact within twenty-four hours. If the student is under eighteen years of age (and not emancipated), the student’s custodial parent or legal guardian will also be contacted within twenty-four hours. In cases where local law enforcement did not make the initial determination that a student is missing, Security Office personnel will notify local law enforcement within twenty-four hours of the missing student determination. Upon determining that a student is missing, Jerusalem Center personnel will notify the following:

- Executive Director (ext. 2706)
- Assistant Director (ext. 2705)
- Local law enforcement agencies with jurisdiction
- Security Coordinator (ext. 2717)

The Jerusalem Center is an enclosed campus with a strict curfew policy. Students are not allowed to leave the center in less than groups of three. Individual students missing curfews and/or losing their groups will be dealt with as missing persons. If a student is not at the Center or hotel (when students are on extended field trips away from the Center) within two hours of curfew, Center personnel will contact local law enforcement officials. Furthermore, if a student does not return to a field trip bus, local law enforcement officials will be immediately notified.

## Alcohol, Tobacco, and Drugs

Brigham Young University encourages and sustains an academic environment that promotes the health, safety, and welfare of all university members. Thus, it is the long-standing policy of the university that employees and students completely abstain, whether on or off campus, from the use of alcohol or tobacco; from the possession, use, or distribution of any illegal drug; and from the use of any controlled legal substance without specific medical authorization. In addition, possession or consumption of illegal drugs, alcoholic beverages, or tobacco on campus by anyone, including visitors, is contrary to university policy.

Personnel or students known to be possessing, using, or distributing illegal drugs or possessing and using alcohol or tobacco are subject to university disciplinary action and, if appropriate, to legal sanctions pursuant to local, state, and federal law.

Through the annual Campus Security and Fire Safety Reports, all personnel and students are provided annually with a copy of the university's Drug-Free School Policy and Drug-Free Workplace Policy in which university and legal sanctions are detailed for inappropriate drug use. The document also details the known health risks associated with drug use.

### Drug and Alcohol Abuse Education Programs

The university supports personnel and student participation in programs to prevent the abuse of drugs, controlled substances, tobacco, and alcohol. Substance Abuse Prevention Services can provide confidential assistance with drug and alcohol abuse problems.

Persons aware of those with substance abuse problems enrolled at or employed by BYU are encouraged to act responsibly by consulting with one of BYU's counselors or a University Police officer. Remaining silent or waiting until a situation has escalated is not wise and is often dangerous. The university supports the premise that personnel and students should cooperatively help one another to solve alcohol and substance abuse problems.

Educational training programs, health information, preliminary evaluations, and counseling for possible referral for outside medical assistance are likewise available. Contact any of the offices listed below for drug or alcohol assistance.

### Drug or Alcohol Assistance

#### Counseling and Psychological Services

1500 WSC  
801-422-3035

#### Honor Code Office

4450 WSC  
801-422-2847

#### Substance Abuse Prevention Services

1500 WSC  
801-422-1942

Counselors in these offices are experienced professionals. They offer support for students in an atmosphere of understanding and confidentiality. All programs offer individual assessment and referral to both on- and off-campus resources. Several independent off-campus entities also offer counseling services that are not affiliated with the university or its sponsor, The Church of Jesus Christ of Latter-day Saints.

### Drug-Free School Policy

A copy of the university's current Drug-Free School Policy is attached as Appendix C. It is also available online at <https://policy.byu.edu/view/index.php?p=41>.

### Drug-Free Workplace Policy

A copy of the university's current Drug-Free Workplace Policy is attached as Appendix D. It is also available online at <https://policy.byu.edu/view/index.php?p=42>.

### Sanctions and Health Risks

Appendix E contains tables outlining the federal and state sanctions for the unlawful possession, distribution, or consumption of drugs or alcohol. Known health risks associated with drug and alcohol use are also set forth.

## Fire Safety Report



Fire safety of a campus is an important factor when deciding upon an educational institution to attend. In 2008, Congress passed the College Opportunity and Affordability Act, which requires an annual fire safety report from institutions that maintain on-campus student housing. This report contains tables showing fire data for campus housing for 2016-2018 along with causes of fires for each year, and fire safety information.

### Fire Statistics

| Housing Facilities | 2016  |          |        |         | 2017  |          |        |         | 2018  |          |        |         |
|--------------------|-------|----------|--------|---------|-------|----------|--------|---------|-------|----------|--------|---------|
|                    | Fires | Injuries | Deaths | \$ Loss | Fires | Injuries | Deaths | \$ Loss | Fires | Injuries | Deaths | \$ Loss |
| Jerusalem Center   | 0     | 0        | 0      | 0       | 0     | 0        | 0      | 0       | 0     | 0        | 0      | 0       |

### Causes of Fires

2016

None to report.

2017

None to report.

2018

None to report.

## On-Campus Housing Fire Safety Systems

The Jerusalem Center is protected by an automatic fire sprinkler system, which was added in 2005. The complex is also protected by a fire alarm system, which sounds a local alarm and reports to a security office, which is manned twenty-four hours a day.

## Student Housing Fire Safety Policies

### Portable Electrical Appliances

Small portable appliances and space heaters are not allowed in the bedrooms, with the exception of personal refrigerators provided by the university. The university recommends that only UL approved irons and popcorn poppers be used in designated areas.

### Smoking

BYU is a non-smoking university. Smoking is not allowed in any BYU housing facility.

### Open Flames and Fireworks

Incense, candles, or any open flames are not allowed in any housing facility. Barbecues are only permitted in designated areas. University policy strictly prohibits the possession and/or discharge of fireworks or any type of explosive device in or around all housing facilities.

## Fire Safety Education and Training

At the beginning of each semester, new students and staff are oriented as to fire safety and policies. All policies are posted on the university's website. An annual safety fair is held for all family housing residents.

## Fire Drills

Under the direction of the Center, procedures regarding what to do in case of a fire, including how and when to evacuate, are discussed and reviewed with each student every semester or term.

## Reporting Fires

For the purpose of record keeping and statistical reporting, all fires discovered by students or employees shall be reported to the Office of Residence Life. The Office of Residence Life shall forward reports to the Brigham Young University Fire Marshal.

## Plans for Future Improvements

Currently no future improvements are planned for the Jerusalem Center.

## Fire Evacuation Procedures

### When a fire alarm sounds:

- Close windows and doors.
- Walk or crawl to the nearest exit. (Exit routes are posted in the rooms and throughout the buildings.)
- Do not use elevators.
- Assemble in a pre-designated area where hall advisors will attempt to take a head count.
- Do not re-enter the building until cleared to do so by the hall advisor, a fire officer, or a police officer.

### When residents discover a fire:

- Activate the fire alarm system and then leave the building, shouting and knocking on doors as they leave.
- Only attempt to rescue others if they can do so safely.
- Not attempt fighting a serious fire.

### Who to Call

Emergency: 102

JC Security Office: 0

East Jerusalem Station: (02) 628-2222

West Jerusalem Station: (02) 678-9401

BYU Fire Marshal: 801-422-6880



# Appendix A: Crime Definitions

# Crime Definitions

## FBI Crime Definitions

Under the Clery Act, universities use the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The following are FBI crime definitions.

### Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

### Negligent Manslaughter

The killing of another person through gross negligence.

### Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent

### Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

### Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

### Robbery

The taking or attempting to take anything of value from the care, custody, or control, of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

## Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

## Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

## Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. For reporting purposes, this definition includes all cases where automobiles are taken by persons not having lawful access—even if the vehicles are later abandoned (including joyriding).

## Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, the personal property of another, etc.

## Hate Crimes

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

## Disability

A preformed negative opinion or attitude toward a group of persons based on their physical or mental

impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### **Ethnicity**

A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

### **Gender Identity**

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.

### **Gender**

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

### **National Origin**

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

### **Race**

A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

### **Religion**

A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

### **Sexual Orientation**

A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

### **Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury

involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### **Larceny-Theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **Destruction/Damage/Vandalism of Property**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Domestic Violence**

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

## Stalking

Engaging in a course of conduct [two or more acts such as following, monitoring, observing, surveilling, threatening, communicating or interfering] directed at a specific person that would cause a reasonable person to—(A) Fear for the person’s safety or the safety of others; or (B) Suffer substantial emotional distress.

## Illegal Weapons Possession

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification are the following: the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

## Drug Law Violations

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. This includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance, as well as any arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Included in this classification are the following: all drugs, without exception, that are illegal under local or state law; and all illegally obtained prescription drugs.

## Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages—not including driving under the influence and drunkenness. The following are included in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a

vehicle for illegal transportation of liquor; and drinking on a public conveyance.

## Utah Definitions Relating to Consent, Dating Violence, Domestic Violence Sexual Assault, and Stalking

BYU’s educational programs to prevent and raise awareness about consent, dating violence, domestic violence, sexual assault, and stalking include and refer to the following state law definitions.

### Consent

Under Utah law, sexual acts are without consent under any of the following circumstances:

- The victim expresses lack of consent through words or conduct.
- The actor overcomes the victim through physical force or violence.
- The actor overcomes the victim through concealment or by the element of surprise.
- The actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim perceives or believes at the time that the actor is able to execute the threat.
- The actor knows that the victim is unconscious, unaware that the act is occurring, or physically unable to resist.
- The actor knows or reasonably should know that the victim has a mental disease or defect that renders the victim unable to understand the nature of the act, or resist it, understand possible consequences to the victim’s health or safety, or understand the nature of the relationship between the parties.
- The actor knows that the victim submits or participates because the victim erroneously believes that the actor is the victim’s spouse.
- The actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim’s knowledge.
- The victim is younger than fourteen years of age.
- The victim is younger than eighteen years of age and at the time of the offense the actor was

the victim's parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim.

- The victim is fourteen years of age or older, but younger than eighteen years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to force or threat.
- The actor is a health professional or religious counselor and the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed the act was for medically or professionally appropriate diagnosis, counseling, or treatment.

Utah Code Ann. § 76-5-406 (2018).

### Dating Violence

Under Utah law, dating violence is any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner. Any attempt, conspiracy, or solicitation to commit such a crime also qualifies as dating violence. Utah Code Ann. § 78B-7-402(4) (2018).

### Domestic Violence

Under Utah law, domestic violence is any criminal offense involving violence or physical harm (or threat of violence or physical harm) when committed against a person sixteen years of age or older by a cohabitant—someone also sixteen years of age or older who is the person's current or former spouse (in reality or by appearance), a relative of the person to the second degree (by blood or marriage), the parent of the person's child (even an unborn child), someone who has resided at the same residence as the person, or in a consensual sexual relationship (currently or formerly) with the person. The definition of domestic violence also includes any attempt, conspiracy, or solicitation to commit a crime of violence or physical harm. Any of the following crimes committed or attempted by a cohabitant against a cohabitant constitute the crime of domestic violence:

- Aggravated assault
- Assault
- Criminal homicide
- Harassment

- Electronic communication harassment
- Kidnapping, child kidnapping, or aggravated kidnapping
- Mayhem
- Sexual offenses
- Stalking
- Unlawful detention or unlawful detention of a minor
- Violation of a protective order or ex parte protective order
- Any offense against property
- Possession of a deadly weapon with criminal intent
- Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle
- Disorderly conduct (if a result of a plea agreement where domestic violence was charged)
- Child abuse
- Threatening use of a dangerous weapon
- Threatening violence
- Tampering with a witness
- Retaliation against a witness or victim
- Unlawful distribution of an intimate image
- Sexual battery
- Voyeurism
- Damage to or interruption of a communication device
- Offenses against a child or vulnerable adult (child abandonment; domestic violence in a child's presence; abuse or neglect of a child with a disability; and abuse, neglect, or exploitation of a vulnerable adult)

Utah Code Ann. §§ 77-36-1(1), (4), 78B-7-102(2) (2018).

### Sexual Assault

Under Utah law, sexual assault is defined as any criminal conduct constituting a sexual offense (including, but not limited to, rape, object rape, sodomy, forcible sexual abuse, sexual abuse of a child, aggravated sexual assault, and other nonconsensual sexual offenses). Utah Code Ann. §§ 26-21b-102(8), 76-5-401 to -406 (2018).

### Stalking

Under Utah law, stalking occurs when a person intentionally or knowingly engages in a course of conduct



(two or more acts) that is directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to fear for their own safety or the safety of a third person or to suffer emotional distress. Intentionally or knowingly violating a stalking injunction also constitutes stalking.

Acts that may constitute stalking in Utah include following, monitoring, observing, photographing, surveilling, threatening, communicating to or about a person, or interfering with a person's property. Stalking may also occur by engaging in any of the following acts or causing someone else to engage in any of these acts:

- Approaching or confronting a person
- Appearing at a person's workplace or residence, or contacting a person's employer, coworkers, or neighbors
- Entering property owned, leased, or occupied by a person
- Sending material by any means to the person
- Sending material to the person's family, household, employer, coworker, friend, or associate for the purpose of obtaining or disseminating information about or communicating with the person
- Placing an object on or delivering an object to property owned, leased, or occupied by a person, or to the person's place of employment with the intent that the object be delivered to the person
- Using a computer, the Internet, text messaging or any other electronic means to commit an act that is a part of the course of conduct

Utah Code Ann. § 76-5-106.5(1)(b), (1)(f), (2), (3) (2018).

### **Spousal Abuse**

One of the most common forms of domestic abuse is spousal abuse. Some warning signs of domestic abuse include the following:

- One spouse's social relationships have narrowed.
- One spouse makes all the rules.
- One puts the other down.
- One is afraid.
- One has been physically injured.

## Appendix B: Sexual Misconduct Policy



## Sexual Misconduct Policy

### I. GENERAL POLICY STATEMENT

Brigham Young University is committed to promoting and maintaining a safe and respectful environment for the campus community. The university will not tolerate sexual harassment, sexual violence, domestic violence, dating violence, or stalking (collectively "Sexual Misconduct") regardless of the sex or marital status of the parties involved. This policy prohibits Sexual Misconduct perpetrated by or against university employees (including all faculty, staff, administrative employees, and student employees), university students, visitors to the university (such as independent contractors, vendors, visiting lecturers, camp participants, and visiting students), and other participants in university programs and activities on campus and in off-campus areas controlled by the university.

This policy establishes a process whereby an individual who believes he or she has been subjected to Sexual Misconduct ("Complainant") may report to the university. The university will take prompt and appropriate steps to stop Sexual Misconduct, prevent its recurrence, and address its effects by

- educating members of the campus community about this policy and applicable laws;
- promptly addressing and resolving reports of Sexual Misconduct in accordance with this policy;
- protecting the rights of all parties involved in a complaint;
- providing support and assistance to the parties involved in a report of Sexual Misconduct; and
- imposing appropriate discipline against those who have engaged in Sexual Misconduct.

Any person who violates this policy may be subject to discipline up to and including termination of employment, suspension, dismissal, and a ban from campus, depending on the circumstances and the severity of the violation and the violator's status as an employee, student, or visitor.

### II. PROHIBITED CONDUCT

As required by Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, the university prohibits unlawful sex discrimination (including Sexual Misconduct) in its educational programs or activities, admission, and employment. (See [Nondiscrimination and Equal Opportunity Policy](#).)

Sexual Misconduct includes a range of unwelcome and unwanted sexual conduct, including verbal and physical sexual harassment, sexual assault, and other forms of sexual violence, each of which is a form of prohibited sex discrimination. Domestic violence, dating violence, and



stalking are also considered Sexual Misconduct under this policy. This policy does not address other kinds of sex discrimination of a non-sexual or non-criminal nature prohibited under the [Nondiscrimination and Equal Opportunity Policy](#) or consensual sexual activity prohibited under the [Church Educational System Honor Code](#).

## **A. CONSENT**

Consent is a voluntary agreement to engage in sexual activity and is determined by all the relevant facts and circumstances. Consent cannot be given by someone who lacks capacity to consent (e.g., because of age, disability, unconsciousness, or use of drugs or alcohol). Consent is invalid where it is given under coercion, force, or threats. Consent should not simply be assumed from silence, the absence of resistance, or past consent with the same or another person. Even if a person has given his or her consent to engage in sexual activity, consent to engage in further sexual activity can be withdrawn at any time.

## **B. SEXUAL HARASSMENT**

Sexual harassment is unwelcome and unwanted conduct of a sexual nature, whether verbal, nonverbal, or physical, and can include unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature. Conduct is unwelcome and unwanted if the individual toward whom it is directed did not request or invite it and regarded the conduct as undesirable or offensive. A wide variety of sexual conduct may constitute sexual harassment, including, but not limited to, the following:

- Sexually suggestive or sexually offensive joking, flirting, or comments
- Unwelcome and intentional touching
- Sexually oriented verbal abuse or threats
- Sexually oriented comments about an individual's body
- Displaying objects or pictures that are sexual in nature
- Sending sexually explicit or offensive communications (e.g., text messages, emails, social media messages or posts)
- Sexual exploitation
- Voyeurism

Sexual harassment of any kind is contrary to the teachings of The Church of Jesus Christ of Latter-day Saints and the [Church Educational System Honor Code](#). It is also prohibited by Title VII of the Civil Rights Act of 1964 (prohibiting unlawful discrimination, including sex discrimination, in employment) when it affects the conditions of employment, and Title IX of the Educational Amendments of 1972 (prohibiting sex discrimination in federally-funded education programs and activities) when it affects the educational environment. Sexual harassment generally falls within one of the two following categories:



- Quid pro quo sexual harassment—when submission to or rejection of the unwelcome sexual conduct is used as a basis for employment decisions affecting an employee, or when a teacher or other employee conditions an educational decision or benefit on a student’s submission to unwelcome sexual conduct.
- Hostile environment sexual harassment—when the unwelcome and unwanted sexual conduct is so severe or pervasive that it alters the conditions of an employee’s employment and creates a hostile, intimidating, or abusive working or educational environment or it denies or limits a student’s or employee’s ability to participate in or benefit from the university’s programs or activities.

To avoid the possibility or appearance of quid pro quo sexual harassment, employees and students should avoid dating, romantic, or amorous relationships where a power differential exists. Examples of such relationships include, but are not limited to, a professor or teaching assistant involved in a relationship with his or her student, or a supervisor involved in a relationship with a subordinate employee. If such a relationship exists and both parties want to continue the relationship, the supervisor(s) of both parties must be informed of the relationship, must document the disclosure of the relationship, and must confirm with each of the parties independently that the relationship is voluntary and not unwelcome to either party. However, as a general rule, dating, romantic, or amorous relationships should not be entered into or continued while one individual in the relationship has the power to either reward or penalize the other in work or in school.

Sexual harassment that creates a hostile environment is more common than quid pro quo harassment, but it is more difficult to define. In order for harassment to create a hostile environment, the unwelcome sexual conduct must be sufficiently severe or pervasive to alter the conditions of employment or education, both subjectively (as considered by the employee or student who experiences the conduct) and objectively (as considered by a reasonable person in the same or similar circumstances).

The fact that someone did not intend to sexually harass an individual is not a defense to a complaint of sexual harassment. In most cases, determining whether the behavior has created a hostile environment depends on the effect the behavior has on the Complainant (such as the effect on an employee’s job performance or a student’s education) and the surrounding circumstances (such as the type, frequency, severity, and duration of the conduct; the relationship between the parties; and the location and context of the incidents). Unwelcome sexual conduct that is mildly offensive and isolated, incidental, or sporadic does not rise to the level of unlawful sexual harassment under Title IX or Title VII, even though it may still be considered sexual harassment in violation of this policy and the [Church Educational System Honor Code](#).





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### C. SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person who has not consented or who is incapable of giving consent.

Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual exploitation. Such acts of sexual violence, in addition to being criminal offenses prohibited under the Utah Criminal Code, constitute Sexual Misconduct prohibited under this policy and the [Church Educational System Honor Code](#). A single act of sexual violence may be sufficiently severe to create a hostile environment.

Domestic violence, dating violence, and stalking are likewise criminal offenses under the Utah Criminal Code and constitute Sexual Misconduct prohibited under this policy, even when the criminal behavior is not specifically sexual in nature.

Domestic violence is a violent crime committed by a current or former spouse, intimate partner (or someone similarly situated), or any other person against a victim who is protected from that person's acts under state domestic or family violence laws. Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. This policy prohibits stalking that occurs both in-person or electronically.

### III. REPORTING INCIDENTS

#### A. Confidentiality, Amnesty, and Leniency for Victims and Witnesses

Brigham Young University exists to provide an educational environment consistent with the ideals and principles of the restored gospel of Jesus Christ. The [Church Educational System Honor Code](#) and its observance by the campus community are essential components of BYU's mission. The university will not tolerate Sexual Misconduct (defined in this policy as sexual harassment, sexual violence, domestic violence, dating violence, and stalking). Anyone found to have committed Sexual Misconduct as defined in this policy is not entitled to confidentiality or amnesty.

Being a victim of Sexual Misconduct is never a violation of the [Church Educational System Honor Code](#). The university strongly encourages the reporting of all incidents of Sexual Misconduct so that support services can be offered to victims (see Section III.D) and Sexual Misconduct can be prevented and stopped.

**Confidentiality.** The university recognizes that victims or witnesses of Sexual Misconduct might be hesitant to report an incident to university officials if they fear the discovery of honor code



violations, such as alcohol use, drug use, or consensual sexual activity outside of marriage. To help address this concern and to encourage the reporting of Sexual Misconduct, the Title IX Office will not share the identity of a victim or witness with the Honor Code Office unless requested by such person or a person's health or safety is at risk.

**Amnesty.** Anyone, including a victim, who reports an incident of Sexual Misconduct will not be disciplined by the university for any related honor code violation occurring at or near the time of the reported Sexual Misconduct unless a person's health or safety is at risk. However, with victims or witnesses who have violated the honor code, the university may offer and encourage support, counseling, or education efforts to help students and benefit the campus community.

**Leniency.** To encourage the reporting of Sexual Misconduct, the university will also offer leniency to victims and witnesses for other honor code violations that are not related to the incident but which may be discovered as a result of the investigatory process. Such violations will generally be handled so that the student can remain in school while appropriately addressing these concerns.

In applying these principles, the university may consider any applicable facts and circumstances of each case, including the rights, responsibilities, and needs of each of the involved individuals.

## **B. DUTY TO REPORT**

Most university employees have a duty under this policy to report Sexual Misconduct, and everyone is encouraged to voluntarily report incidents of Sexual Misconduct to the Title IX Coordinator. State law imposes additional reporting obligations related to the abuse of a child, including sexual abuse. Victims of Sexual Misconduct are strongly encouraged to report incidents of Sexual Misconduct so that support services can be offered to them (see Section III.D) and Sexual Misconduct can be prevented and stopped.

### **1. Responsible Employees**

A dean, director, department chair, professor, coach, or any other university employee in a teaching, managerial, or supervisory role ("Responsible Employee") who, while in that role, becomes aware of or reasonably suspects any incidents of Sexual Misconduct must promptly report all relevant information to the Title IX Coordinator. A Responsible Employee who receives a report of Sexual Misconduct should inform the reporting individual that the employee must report the incident, and the employee should then promptly make the report to the Title IX Coordinator. Responsible Employees with information regarding an incident of Sexual Misconduct who fail to report relevant information or to cooperate in an investigation may be subject to disciplinary action.

Responsible Employees who receive the information as part of a confidential communication in the context of a professional or otherwise privileged relationship (e.g., the Responsible



Employee was the reporting person's physician, therapist, lawyer, ecclesiastical leader, or spouse) do not have a reporting obligation. Note that this exception to mandatory reporting for these privileged communications is different from the confidentiality given to university-designated confidential sources of support, described below.

## **2. Timing**

Reports of Sexual Misconduct should be made to the Title IX Coordinator as soon as possible. If Sexual Misconduct occurred more than four years before the report is made, the university may decline to investigate the report. However, counseling, advocacy, and support are available to Complainants regardless of when they make a report. (See Section III.D below.)

## **3. Confidential Sources of Support**

Many victims of Sexual Misconduct experience stress and may find it helpful to talk in a supportive, confidential context. The university provides confidential on-campus resources where someone may discuss the situation even if he or she is not sure about reporting the incident to the Title IX Coordinator or law enforcement. The following resources are designated as confidential sources of support at BYU:

- Counseling and Psychological Services, 801-422-3035, 1500 Wilkinson Student Center
- Sexual Assault Survivor Advocate, 801-422-3035, 1500 Wilkinson Student Center
- Student Health Center, 801-422-2771, 1750 North Wymount Terrace Drive
- University Accessibility Center, 801-422-2767, 2170 Wilkinson Student Center
- Women's Services and Resources, 801-422-4877, 3326 Wilkinson Student Center

Unless a Complainant affirmatively requests the university take action in response to a report to one of these confidential sources, discussions with a confidential source are not considered a report to the university or a request that any action be taken by the university in response to any allegation. Confidential sources may provide advice, support, and guidance about how to manage the situation as well as information about reporting options.

Confidential sources are required to submit non-identifying, statistical information about reports of Sexual Misconduct to the Title IX Office for the purpose of maintaining records required by the Clery Act. Confidential sources must also make reports required by law, such as when they became aware of facts involving child abuse.

## **4. University Police**

A Complainant or witness of Sexual Misconduct may talk to University Police regarding criminal or other implications of Sexual Misconduct. University Police are Responsible Employees under this policy. When they become aware of or reasonably suspect any incidents of Sexual Misconduct, they are required to promptly report all relevant information to the Title IX



Coordinator. University Police may be required to disclose additional information related to the report in cases of a threat to campus safety or a legally imposed duty to share the information with other law enforcement agencies, campus officials, or others.

### **5. Child Abuse Reporters**

Any person who has reason to believe that a child (anyone under eighteen years old) has been subjected to sexual violence or other forms of abuse or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in such abuse or neglect, must report the situation to the nearest peace officer, law enforcement agency, or applicable office of the state Division of Child and Family Services, as required by state law and the university's [Child Protection Policy](#).

### **6. Campus Security Authorities**

A university employee who has been designated as a Campus Security Authority ("CSA") and who receives a report of sexual assault, dating violence, domestic violence, or stalking occurring on the university campus or any property controlled by the university must inform University Police of that report so the university may issue timely warnings about crimes that pose a threat to students and employees (see [Campus Security Timely Warning Notice Policy](#)) and so the incident can be accounted for in the university's annual security report, as required by federal law. CSAs are persons who have responsibility for campus security or who have significant responsibility for student and campus activities. CSAs include, but are not limited to, security staff, vice presidents, athletic directors, coaches, deans, directors, managers, Honor Code Office staff, and Residence Life hall advisors. A complete list of the BYU employees designated as CSAs can be found in the university's annual security report.

### **7. Public Awareness Events**

Public awareness events or other forums in which campus community members may disclose incidents of Sexual Misconduct do not initiate the university's Title IX response, including investigating reports of sexual harassment or sexual violence. These events may, however, inform the need for campus-wide educational and prevention efforts, and the university may implement campus initiatives in response to such these events, as appropriate.

## **C. WHERE TO REPORT**

A report of Sexual Misconduct ("Report") should be directed to the Title IX Coordinator, 801-422-8692, 1085 Wilkinson Student Center, [t9coordinator@byu.edu](mailto:t9coordinator@byu.edu). The Title IX Coordinator oversees all Title IX complaints and investigations and coordinates the university's response to sex discrimination and Sexual Misconduct. The names, telephone numbers, and office addresses of the Title IX Coordinator and the deputy Title IX coordinators are also posted on the university's Title IX website at [titleix.byu.edu/contact-us](http://titleix.byu.edu/contact-us). In addition, individuals may submit



Reports, including anonymous Reports, through EthicsPoint, the university's 24-hour hotline provider, by telephone at 888-238-1062, or by submitting information online at [https://secure.ethicspoint.com/domain/en/default\\_reporter.asp](https://secure.ethicspoint.com/domain/en/default_reporter.asp). Responsible Employees may not make anonymous Reports. A Report can be made verbally or in writing.

If a Report involves potentially criminal acts (e.g., rape, domestic violence, dating violence, sexual assault, or stalking), the Complainant should be informed in writing that he or she also has the option to make a formal criminal complaint by reporting the incident to University Police at 801-422-2222 or local police by calling 9-1-1. Complainants also have the option to decline notifying law enforcement authorities or to be assisted by Responsible Employees in notifying them.

Inquiries concerning Title IX and unlawful sex discrimination may be referred to the university's Title IX Coordinator or the equal opportunity manager. The Office for Civil Rights within the U.S. Department of Education ("OCR") also investigates claims of unlawful sex discrimination, including sexual harassment and sexual violence, in the university's educational programs and activities. The OCR may be contacted by email at [ocr@ed.gov](mailto:ocr@ed.gov) or through its website at <http://www2.ed.gov/about/offices/list/ocr/index.html>. In addition, the U.S. Equal Employment Opportunity Commission ("EEOC") investigates claims of unlawful employment discrimination, including sexual harassment and sexual violence, in the workplace. The EEOC may be contacted by telephone at 800-669-4000 or through its website at <http://eeoc.gov/>.

#### **D. OTHER PROCEDURES AND SERVICES FOR VICTIMS**

A student or employee who reports to the university that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking—even if the offense occurred off campus—will be provided with a written explanation of victims' rights and options that includes the following information:

- Procedures victims should follow, including information about preserving evidence, reporting the offense, and obtaining protective orders
- Information about how confidentiality will be protected
- Existing counseling, health, mental health, sexual assault survivor advocacy, legal assistance, student financial aid, and other services available for victims, both within the university and in the community
- Options and available assistance for requesting changes to academic, living, transportation, and working situations or protective measures
- Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking
- Possible sanctions or protective measures the university may impose following a final determination of an institutional disciplinary procedure





Victims of Sexual Misconduct should preserve evidence as necessary to substantiate the crime or secure a protective order through the court system. They may choose to seek medical treatment in order to preserve evidence, treat injuries, or prevent sexually transmitted diseases. It is also possible to seek health care services, obtain a rape kit, or find a sexual assault nurse examiner ("SANE") through law enforcement, local hospitals, or the university's on-campus Student Health Center.

Counseling, advocacy, and support are available to victims whether or not they choose to make an official Report. Victims can make confidential disclosures to and receive support from the following resources:

- Counseling and Psychological Services, 801-422-3035, 1500 Wilkinson Student Center
- Sexual Assault Survivor Advocate, 801-422-3035, 1500 Wilkinson Student Center
- Student Health Center, 801-422-2771, 1750 North Wymount Terrace Drive
- University Accessibility Center, 801-422-2767, 2170 Wilkinson Student Center
- Women's Services and Resources, 801-422-4877, 3326 Wilkinson Student Center

Additional resources are available to provide ongoing support during any university disciplinary or criminal process.

The university provides written notification to students and employees about existing counseling, health, mental health, sexual assault survivor advocacy, legal assistance, student financial aid, and other services available, both within the institution and in the community, on the university's Title IX website at <https://titleix.byu.edu>.

## **E. COMPLAINT AND ACTIVITY LOG**

The university's Title IX Coordinator maintains a confidential log of Title IX complaints and activity. To the extent that other campus departments or Responsible Employees receive complaints of Sexual Misconduct, are involved with complaint investigations, or conduct any part of the resolution proceedings, they should promptly report this activity to the Title IX Coordinator.

## **F. RETALIATION**

Retaliation against an individual who has made a Report or provided information in connection with an investigation of Sexual Misconduct is strictly prohibited. Retaliation is any adverse action taken against an individual because he or she made a Report; testified, assisted, or participated in any manner in an investigation or proceeding under Title IX; or opposed any conduct prohibited by this Sexual Misconduct Policy. Retaliation can include intimidation, which is any adverse action or threat of action reasonably likely to prevent or dissuade an individual from making a Report or providing information in connection with a Sexual Misconduct



investigation. Individuals who participate in a Sexual Misconduct investigation should be advised that university policy and federal law prohibit retaliation against them and should be assured that the university will take steps to prevent retaliation and will address any act of retaliation of which it becomes aware. (See also [Nondiscrimination and Equal Opportunity Policy](#).) An individual who feels that he or she has been subjected to retaliation for reporting Sexual Misconduct or participating in a Sexual Misconduct investigation should report the incident to the Title IX Coordinator, who will address the report in accordance with the investigation and disciplinary process set forth below.

#### **IV. COMPLAINT RESOLUTION PROCEDURES**

The following procedures are designed to provide for the prompt and equitable investigation and resolution of allegations of Sexual Misconduct perpetrated by or against university employees, students, or campus visitors. Additionally, these procedures will be conducted by officials who do not have a conflict of interest or bias for or against the parties and who receive annual training on the issues related to sexual harassment, domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation that protects the safety of the parties involved and promotes accountability.

##### **A. INFORMAL RESOLUTION**

Whenever it is reasonably possible and safe to do so, and all parties voluntarily agree, a Complainant and the person alleged to be responsible for the misconduct ("Respondent") may attempt to resolve the issue privately. After a Title IX complaint has been opened for investigation, informal resolution may occur only after all parties have received a full disclosure of the allegations and their options for formal resolution. The goal of informal resolution is to conclude the matter to the satisfaction of both parties quickly and confidentially. Either party may enlist the assistance of the Title IX Coordinator or a deputy Title IX coordinator in this effort. If satisfactory resolution is not reached after such informal efforts, the Complainant or Respondent may forgo the informal resolution process or discontinue it at any time and address the concern using the formal resolution process described below. Additionally, if the Title IX Coordinator believes informal resolution is not appropriate or is potentially unsafe, he or she may require formal resolution.

##### **B. FORMAL RESOLUTION**

A formal resolution process may be initiated by submitting a Report to the Title IX Coordinator. Anyone can submit a Report under this policy; however, the submission of such a Report does not prevent the Complainant from subsequently pursuing informal resolution with the Respondent in appropriate circumstances.



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## **1. Preliminary Assessment**

Upon receiving a Report, the Title IX Coordinator will promptly perform a preliminary assessment based on the allegations to determine whether the Report reasonably alleges violations of the Sexual Misconduct Policy. If the Report contains allegations for which the Title IX Office has authority, the Title IX Coordinator will seek the Complainant's consent to conduct an investigation. Note that if the Complainant asks the university not to pursue an investigation, the university may not be able to honor this request if doing so would prevent the university from meeting its obligations and responsibilities as indicated throughout this policy. If the Report does not contain allegations of Sexual Misconduct for which the Title IX Office has authority, the Title IX Coordinator will inform the Complainant that no investigation of the Report will be conducted.

## **2. Selection of the Investigator**

If a preliminary assessment warrants an investigation, the Title IX Coordinator will select a qualified employee to promptly investigate the allegations in the Report ("Investigator"). Generally, a deputy Title IX coordinator will serve as the Investigator. The Title IX Coordinator will consider conflicts of interest, time constraints, and other relevant factors in selecting an Investigator.

The Complainant and the Respondent may each raise issues regarding bias or a potential conflict of interest of Investigators or others involved in the resolution process by contacting the Title IX Coordinator.

## **3. Confidentiality**

Given the sensitive nature of Sexual Misconduct allegations and the potential for damage to the parties' personal reputations, all Reports will be investigated as confidentially as is reasonably possible. All participants in the investigation—including the Complainant, the Respondent, the Investigator, and individuals interviewed by the Investigator—should keep the allegations and proceedings confidential and should provide information only to those university and governmental employees who are authorized to investigate the Report or who otherwise have a legitimate need to know. Records kept by the university relating to Sexual Misconduct allegations are not publicly available, but in the event that the university is required to make any records publicly available, any identifying information about the parties will be redacted, to the extent permissible by law, to protect the parties' confidentiality. Federal law requires the university to publicly disclose statistics about reported incidents of sexual assault, domestic violence, dating violence, and stalking; however, no individual information is maintained or published for purposes of federal reporting.



Notwithstanding the foregoing confidentiality provisions, Complainants and any witnesses who participate in an investigation of Sexual Misconduct should be advised that their confidentiality will be preserved only to the extent it does not interfere with the university's ability to investigate the Report and take corrective action, and that if the investigation results in court action the university may be legally required to disclose any information it has received.

If a Complainant requests that his or her identity be kept confidential or asks the university not to pursue an investigation, the Complainant should be notified that (a) the university's ability to investigate and respond to the Report may be limited by such a request, and (b) under some circumstances the university may not be able to honor such a request. The university will take all reasonable steps to investigate and respond to a Report consistent with the Complainant's request for confidentiality. However, without conducting a full investigation or disclosing the full nature of the Report (including its source) to the Respondent, the university may be unable to impose any discipline, and its corrective actions might be limited to informing the Respondent that allegations of discriminatory behavior have been made against him or her, preserving a record of the discrimination allegation in the Respondent's employment or student disciplinary file, and pursuing other steps to limit the effects of the alleged Sexual Misconduct and prevent its recurrence, such as training or surveys in the affected area or department. Complainants who desire complete confidentiality may be advised that they can address their confidential concerns to mental or physical health providers, ecclesiastical leaders, or their own legal counsel, or to other confidential sources of support as described in Section III.B.3.

The Complainant should also be advised that the university may not be able to honor a request for confidentiality or to forgo an investigation if that request would prevent the university from meeting its responsibility to provide students and employees with an environment free from Sexual Misconduct and its corresponding obligations to provide a thorough and impartial investigation and a prompt and equitable resolution of the Report. The Investigator, in consultation with the Title IX Coordinator, is responsible for evaluating requests for confidentiality or to forgo an investigation.

The Investigator will consider the following factors in determining whether to disclose the identity of a Complainant or pursue an investigation contrary to the Complainant's request:

- The seriousness of the alleged Sexual Misconduct
- The age or maturity of the Complainant
- The existence of any previous accusations against the alleged violator
- The existence of independent evidence to substantiate the allegations
- In the case of accusations against a student, the rights of the student under the [Access to Student Records Policy](#) and [Procedures](#) and corresponding federal and state privacy laws or laws mandating disclosure



If the Investigator determines he or she cannot honor a Complainant's request for confidentiality or a Complainant's request to forgo an investigation, the Investigator will inform the Complainant prior to commencing or continuing with an investigation.

#### **4. Interim Measures**

Based on information acquired in the course of a preliminary assessment or investigation, the Title IX Coordinator or Investigator may recommend that interim measures be offered to the Complainant, Respondent, or others before or during the investigation. This recommendation should be submitted to an office or individual within the university administration authorized to implement the recommendation.

If requested and reasonably available, interim measures will be provided whether or not a Complainant chooses to report to University Police or local law enforcement. The university will provide written notification to the parties about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations and other protective measures. Other remedial interim measures may also be appropriate, such as special training in the affected department or area, or the dissemination of information about how to report Sexual Misconduct. The nature of any interim measures granted to a party will be kept confidential to the extent reasonably possible.

In situations deemed to be extreme or dangerous, an office or individual within the university administration authorized to impose discipline on the Respondent may take interim disciplinary action against the Respondent, up to and including a temporary suspension and ban from campus; in such cases, both parties will receive simultaneous written notification.

#### **5. Delivery of Documents and Extensions of Time**

Delivery occurs when the university provides documents to a party in person or by email. If neither option is available, the university will mail documents to the residential address of the party that is on file with the university. If delivery is by mail, the deadline for a response or reply permitted in this policy is extended by three business days.

A party may ask the Title IX Office for an extension of any deadline imposed by this policy. The Title IX Office will grant the extension only when the request is reasonable under the circumstances.

#### **6. The Complainant's Written Complaint, Supporting Documentation, and Evidence**

If a Complainant has not already submitted a sufficient written statement in connection with the initial Report, the Investigator will invite the Complainant to prepare and sign a written statement of the facts involved ("Complaint"). The Complaint should clearly and concisely



describe the incident(s), including when and where the alleged Sexual Misconduct occurred. The Complaint may also include an explanation of why the Complainant believes the Respondent's behavior was unlawful or in violation of university policy, corroborating facts and evidence, the names of other individuals who may have information relevant to the Complaint, other materials or evidence in support of the Complaint, and a proposal for an appropriate resolution. The Complaint may not exceed ten pages in length, exclusive of attached documents and supporting materials, and must be submitted within five business days of the Investigator's request. Based on the Complainant's written and oral statements, the Investigator will prepare a written summary of the allegations ("Allegation Sheet").

The Investigator will ask the Complainant to review the Allegation Sheet, make any necessary corrections, and affirm it with a signature. If the Complainant refuses to sign the Allegation Sheet, the Investigator may either (a) note that the allegations have been withdrawn and terminate the investigation, or (b) note that the Complainant has refused to sign the Allegation Sheet, but that the investigation will nevertheless proceed to determine what occurred.

The Investigator will provide Complainants with a description of their rights and responsibilities under this policy, including a statement of the sanctions that may be imposed against Respondents.

## **7. The Respondent's Written Response, Supporting Documentation, and Evidence**

The Title IX Office will make a reasonable effort to provide a Respondent with a copy of the Allegation Sheet in person. The Investigator will not interview or take any evidence from the Respondent at this time. The Title IX Office will provide Respondents with a description of their rights and responsibilities under this policy, including a statement of the sanctions which may be imposed against them. The Title IX Office will also provide the Respondent with a list of available university resources, including the contact information for the confidential advisor to Respondents (801-422-2723, 2500 Wilkinson Student Center). If the Title IX Office is unable to meet in person with the Respondent, this information and a copy of the Allegation Sheet will be delivered to the Respondent as set forth in Section IV.B.5 above. In either event, a copy of the Allegation Sheet will be provided to the Respondent fourteen calendar days before the Respondent's response is due.

The Respondent may prepare and submit a signed written statement in response to the Allegation Sheet ("Response"). The Response should indicate whether the Respondent admits or denies the allegations in the Allegation Sheet and should provide any exculpatory facts or evidence, including the names of other individuals who may have information relevant to the allegations and other materials in response to the Allegation Sheet. The Response may also include an explanation of why the Respondent believes any admitted conduct was lawful or was not in violation of university policy. The Response may not exceed ten pages in length,





exclusive of attached documents and supporting materials, and must be submitted within fourteen calendar days of delivery of the Allegation Sheet to the Respondent.

Like the Complainant, the Respondent may choose to answer the Allegation Sheet orally rather than in writing. At the Respondent's request, and no later than fourteen calendar days after the Allegation Sheet's delivery, the Investigator will meet with the Respondent so that the Investigator can document the Respondent's answer. The Investigator will ask the Respondent to review the Investigator's written record of the Respondent's oral answer, make any necessary corrections, and affirm it with a signature. The Investigator's written answer then becomes the Response.

The Title IX office will promptly provide a copy of the Response to the Complainant.

### **8. Concurrent Investigations or Processes**

An investigation conducted under this policy will be conducted independent of any associated criminal investigation or any other university investigation or procedures. If the university determines the issues raised in this investigation may be relevant to its determination in another non-criminal investigation or another process that is simultaneously pending at the university, it may direct that the other investigation or process be suspended until this investigation and any appeals or administrative reviews are concluded.

An investigation under this policy will not be suspended pending the conclusion of a criminal investigation or any other investigation. However, the fact-finding portion of the investigation may be delayed temporarily to comply with a law enforcement request for cooperation (e.g., to allow for criminal evidence collection) when the criminal charges are based on the same allegations that are being investigated under this policy.

Although the findings and conclusions of one investigation will not determine the outcome of any other, any evidence or findings developed in any university or non-university investigation may be shared with and considered in any other university investigation.

### **9. Cooperation with University Investigations**

Employees or students who fail to cooperate in an investigation, including those who misrepresent any facts or who withhold pertinent information, may be subject to disciplinary action up to and including suspension or dismissal from the university or termination of university employment. A visitor who fails to cooperate may be banned from campus. It is not a failure to cooperate for a Complainant to ask for confidentiality or request that the Title IX Office not investigate a Report.

Any witness who declines to participate in an investigation may not be permitted to offer evidence or testimony later in the process, and failure to offer evidence during the investigative



process does not constitute grounds for a review/appeal on the basis of new evidence. The university prefers to interview witnesses in person. However, if a witness cannot appear in person for an interview, the investigator may, in his or her discretion, interview a witness telephonically or allow a witness to provide a written statement.

BYU will not tolerate intentional false reporting of incidents of Sexual Misconduct. It is a violation of the [Church Educational System Honor Code](#) and this policy to make an intentionally false report. If the Title IX Office discovers that the Complainant made a knowingly false report, the Title IX Office will impose discipline in accordance with the disciplinary process set forth below.

### **10. Support Person**

Each individual participating in the formal investigation process may be accompanied during investigation interviews by a support person. The support person may be a friend, mentor, family member, attorney, or any other person selected by the individual to provide support. The support person cannot be someone who may be otherwise involved in the investigation. The university will not typically change scheduled meetings to accommodate a support person's inability to attend. Individuals may elect to change their support person during the investigative process and are not required to use the same support person throughout the process.

A support person may attend for purposes of observation but will not be permitted to participate in any employee or student interview, meeting, or other proceeding that may take place under these procedures. All support persons are subject to campus rules and are expected to refrain from interference with the university investigation and resolution. Any support person, including an attorney, may be immediately excluded from the proceedings if he or she attempts to intervene or participate in any way. If a support person is excluded from a proceeding, the meeting will typically continue without the support person present. Subsequently, the Title IX Coordinator or Investigator will determine whether this particular support person may continue to be involved, whether another support person may attend, or whether the individual has forfeited the right to a support person for the remainder of the process.

Support persons are expected to maintain the privacy of information shared with them during the proceedings, and the university may seek appropriate action against a support person who does not respect the sensitive nature of the process or who fails to abide by the university's privacy expectations.

The university cannot guarantee equal advisory rights when it comes to support persons (e.g., if one party selects a support person who is an attorney, but the other party does not have or cannot afford an attorney, the university is not obligated to provide one).



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## **11. Investigation**

An investigation should be prompt and equitable. The university will, in good faith, attempt to conclude the investigation and resolution within sixty calendar days of the Title IX Coordinator receiving a Report. If, as a result of the complexity of a case, unavailability of witnesses, or other extenuating facts and circumstances, the investigation cannot reasonably be concluded within the sixty-day period, the Complainant and the Respondent will be provided with written notice of the delay and the reason for the delay.

During the investigation, the Investigator will consider the Complaint and the Response, conduct interviews, and review any other documents or evidence submitted by the parties or discovered during the investigation. An investigation under these procedures is an internal university employment or student disciplinary matter.

At any time during the investigation, either of the parties or the Investigator may propose a resolution of the matter. If both the Complainant and the Respondent are satisfied with this proposed resolution, and if the Investigator and the Title IX Coordinator are also satisfied that the university's interests are protected, the matter may be resolved as proposed.

## **12. Investigation Finding(s)**

No later than seven calendar days prior to the conclusion of an investigation, the Investigator will inform the parties that the investigation is concluding and ask them to submit any final information not already included in the investigation. The parties will then have three business days to submit additional information.

At the conclusion of the investigation, the Investigator will make findings as to the allegations in the Allegation Sheet and will determine, based on the preponderance of the evidence (i.e., whether it is more likely than not), whether the Respondent has engaged in Sexual Misconduct. The Investigator will provide a written report of the findings of the investigation ("Investigatory Report") to the Title IX Coordinator for review. The Investigatory Report will not contain any proposed sanctions. Sanctions will be considered separately, as set forth in Section IV.B.13 below.

The Title IX Coordinator will promptly and simultaneously send a copy of the Investigatory Report to the Complainant and the Respondent to their email and residential addresses on file with the university. The Investigatory Report will include a notice of appeal rights and procedures.

## **13. Appeal of Investigation Finding(s)**

Either party may appeal the findings in an Investigatory Report ("Factual Findings Appeal"). If no appeal is filed within the time outlined below, the Investigatory Report becomes final, and



its findings and conclusions may not be appealed by either party. However, the Respondent will have the opportunity to appeal the imposition of sanctions, if any, as set forth in Section IV.B.14 below. Either party may ask the Title IX Office to see a copy of all material evidence relied on by the Investigator in reaching his or her conclusions.

The Factual Findings Appeal should

- be made within ten business days of delivery of the Investigatory Report;
- be in writing, limited to five pages;
- identify which of the grounds, listed below, is the basis for the appeal; and
- be sent to the Title IX Coordinator.

The Title IX Coordinator will send a copy of the Factual Findings Appeal to the other party, and the non-appealing party may file an opposition to the Factual Findings Appeal ("Opposition"). The Opposition should

- be made within ten business days of delivery of the Factual Findings Appeal;
- be in writing, limited to five pages;
- identify the grounds on which the Factual Findings Appeal should be denied; and
- be sent to the Title IX office.

The Title IX Coordinator will send a copy of the Opposition to the other party, and neither party is permitted to file any additional arguments or evidence.

A Factual Findings Appeal is not a re-investigation of the case. The party requesting the Factual Findings Appeal must identify at least one of the following grounds as the basis for the Factual Findings Appeal:

- A procedural error significantly impacted the outcome of the investigation (e.g., a substantiated bias or a material deviation from these procedures).
- New evidence, unavailable to the party during the original investigation, has been discovered that could substantially impact the original outcome. This new evidence and an explanation of both why it was unavailable during the investigation and its potential impact must be included in the Factual Findings Appeal.
- The investigator's findings contain a misstatement of material fact (e.g., a fact that could change the outcome).

Disagreement with the Investigatory Report's findings or conclusions is not, by itself, a ground for appeal.



The Title IX Coordinator will select a deputy Title IX coordinator not involved in the investigation and who does not have a conflict of interest to conduct the Factual Findings Appeal ("Reviewer") and will promptly send a copy of the following documents to the Reviewer:

- Factual Findings Appeal and Opposition
- Investigation file
- Investigatory Report

In any Factual Findings Appeal, the Reviewer may consult with the Investigator or the Title IX Coordinator prior to issuing a decision on the Factual Findings Appeal unless the appeal is based on allegations that the investigator was biased. However, the Reviewer may not interview the parties or consider any evidence beyond the evidence submitted in the investigation or as grounds for the Factual Findings Appeal.

In a Factual Findings Appeal of an Investigatory Report, the Reviewer will presume that the outcome of the investigation was reasonable and appropriate, and the party filing the Factual Findings Appeal bears the burden of establishing that the outcome was reached in clear error. In other words, the Reviewer must be presented with information that the findings in the Investigatory Report were unquestionably erroneous. The Reviewer can affirm the decision reached in the Investigatory Report, overturn the decision, or remand the matter back to the Title IX Office for further investigation.

The Reviewer will issue a written decision on the Factual Findings Appeal ("Decision on Factual Findings Appeal") within thirty calendar days of receiving the parties' submissions. The Reviewer will send the Decision on Factual Findings Appeal to the Title IX Coordinator, who will send it to the parties promptly and simultaneously. The Decision on the Factual Findings Appeal is not subject to further review. However, the Respondent may appeal disciplinary sanctions, as discussed below.

## **14. Resolution and Disciplinary Sanctions**

### **Student Respondents**

If a final Investigatory Report or Decision on Factual Findings Appeal determines that a student Respondent has violated the Sexual Misconduct Policy, the Title IX Coordinator will provide a copy of the Allegation Sheet, Response, Investigatory Report, Decision on Factual Findings Appeal (if any), and other relevant evidence contained in the file to the university's Honor Code Office. However, the name of the Complainant and witnesses must first be redacted from the materials in compliance with the confidentiality policy set forth in Section III.A above. The case will be assigned to an Honor Code Office counselor who will prepare a pre-sanctioning report. In preparing the pre-sanctioning report, the counselor may meet with the Respondent and may communicate with the Respondent's ecclesiastical leader upon receipt of the Respondent's signed written waiver. The counselor will also consider any prior honor code violations that the



university or other Church Educational System institution has found Respondent to have committed. The pre-sanctioning report will contain information to assist the disciplinary committee ("Disciplinary Committee"), convened by the Title IX Coordinator as described below, in making its decision. The counselor will prepare the pre-sanctioning report within two weeks of receiving the case from the Title IX Coordinator.

#### All Respondents

If a final Investigatory Report or Decision on Factual Finding Appeal determines that a Respondent has violated the Sexual Misconduct Policy, the Title IX Coordinator will convene the Disciplinary Committee within twenty-one calendar days, or as soon as is reasonably possible. The Disciplinary Committee will determine, by majority vote, the appropriate resolution of the Sexual Misconduct, including the imposition of any disciplinary sanctions as provided in the applicable disciplinary policy; however, if there is a conflict between this policy and another university disciplinary policy, this policy governs.

The Title IX Coordinator will notify the Complainant and the Respondent of the date on which the Disciplinary Committee will meet. Neither party may attend the Disciplinary Committee meeting. However, the Complainant may submit a statement (not to exceed two pages) describing the impact of the Sexual Misconduct ("Impact Statement"). The Complainant's statement is due no later than five business days prior to the Disciplinary Committee's meeting. Likewise, the Respondent may submit a statement (not to exceed two pages) explaining why he or she should be entitled to leniency ("Mitigation Statement"). The Respondent's statement is also due no later than five business days prior to the Disciplinary Committee's meeting.

In determining the applicable discipline, the Disciplinary Committee will not engage in further investigation related to the matters previously determined in the Title IX investigation or conduct a re-hearing of matters decided in the Factual Findings Appeal. However, the Disciplinary Committee will consider the Honor Code Office counselor's pre-sanctioning report in cases involving student Respondents.

The Disciplinary Committee and the applicable disciplinary policy will be determined as follows:

- The Disciplinary Committee for allegations of Sexual Misconduct against a faculty member are (1) the faculty member's direct supervisor, (2) a member of the Academic Vice President's Council, and (3) the Title IX Coordinator. Possible sanctions include verbal counseling, written warning, final written warning, probation, reassignment, demotion, reduction in pay, suspension, restriction on officially representing the university, non-renewal of contract or termination of faculty employment, and a ban from campus. If the Disciplinary Committee concludes there may be adequate cause for involuntary termination of the faculty member's employment, the academic vice president will be consulted and must give final approval in order for the faculty member to be terminated.





- The Disciplinary Committee for allegations of Sexual Misconduct against an administrative or staff employee is (1) the director over the employee's area, (2) the managing director of employee relations or a designee, and (3) the Title IX Coordinator. Possible sanctions include verbal counseling, written warning, probation, reassignment, transfer, demotion, reduction in pay, suspension, restriction on officially representing the university, termination of employment, and a ban from campus. If the Disciplinary Committee concludes there may be adequate cause for involuntary termination of the non-faculty, non-student employee's employment, the employee's line vice president will be consulted and must give final approval for termination.
- The Disciplinary Committee for allegations of Sexual Misconduct against a non-employee student is (1) a representative from Counseling and Psychological Services; (2) the Honor Code Office counselor who prepared the pre-sanctioning report; and (3) the Title IX Coordinator. Possible sanctions include counsel and education, referral (to a responsible person or agency—e.g., reconciliation process), warning, probation, suspension withheld, short suspension, suspension, restriction on officially representing the university, dismissal, and a ban from campus.
- The Disciplinary Committee for allegations of Sexual Misconduct against a student employee is (1) the director over the employee's area, (2) the manager of student employment or a designee, (3) a representative from Counseling and Psychological Services, (4) the Honor Code Office counselor who prepared the pre-sanctioning report; and (5) the Title IX Coordinator. Possible sanctions include written warning, probation, job reassignment, job transfer, demotion, reduction in pay, job suspension, termination of employment, counsel and education, referral (to a responsible person or agency—e.g., reconciliation process), suspension withheld, short suspension, suspension, restriction on officially representing the university, dismissal, and a ban from campus. The student employee's manager and the manager of student employment will administer any discipline affecting the student's employment status consistent with the [Administrative and Staff Employee Discipline Policy and Procedures](#).
- The Disciplinary Committee for allegations of Sexual Misconduct against a visitor who was not invited by a university unit is the University Banning Committee. Possible sanctions include banning the visitor from all or a part of the university campus. For a visitor who was invited to campus by a university unit, and who is neither a student nor an employee of the university, the Disciplinary Committee is (1) the vice president over the university unit that originally invited the visitor to campus, or the vice president's designee; (2) the University Banning Committee; and (3) the Title IX Coordinator.

The Title IX Coordinator may add ad-hoc members to the Disciplinary Committee as needed.



In addition to the sanction determination, the Disciplinary Committee may recommend reasonable steps designed to correct any discriminatory effects on the Complainant and on others who may have been affected, and to prevent the recurrence of any discriminatory or otherwise inappropriate actions. Possible protective measures that may be imposed following the investigation include the following: making interim measures permanent, offering remedies and accommodations to the Complainant, implementing changes in programs or activities, or providing training for the campus community or specific groups or individuals. The Disciplinary Committee's decision ("Disciplinary Committee Decision") will be issued within thirty calendar days of the Disciplinary Committee's meeting.

In all cases, the Title IX Coordinator will promptly send a copy of the Disciplinary Committee Decision to both the Complainant and the Respondent simultaneously. The Complainant may also request a copy of the Mitigation Statement. Likewise, the Respondent may request a copy of the Impact Statement.

### **15. Appeal of Resolution and Disciplinary Sanctions**

A Respondent who is unsatisfied with the Disciplinary Committee Decision may appeal the decision ("Sanctions Appeal"). If there is a conflict between this policy and another university appeal policy, this policy governs. A Complainant may not file an appeal of the Disciplinary Committee Decision. The Respondent must request a Sanctions Appeal within ten business days of delivery of the Disciplinary Committee Decision by submitting a request to the Title IX Coordinator. The Respondent may ask that sanctions be delayed until the appeal is decided, but the presumptive stance of the university is that sanctions will go into effect immediately.

A Sanctions Appeal is not a re-hearing of the case, and the decision on the Sanctions Appeal is limited to the contents of the file. No new evidence will be accepted.

A Sanctions Appeal may not exceed five pages in length and must be sent to the Title IX Coordinator, who will send a copy to the Complainant for informational purposes only. The Respondent must show at least one of the following:

- The discipline imposed is substantially disproportionate to the severity of the violation.
- A procedural error significantly impacted the Disciplinary Committee Decision.

In all appeals, the individual reviewing the Disciplinary Committee Decision ("Sanctions Reviewer") will presume that the resolution and disciplinary sanction(s) were reasonable and appropriate and will review the Sanctions Appeal in accordance with this policy.

The Sanctions Reviewer will be determined as follows:

- When the resolution includes disciplinary sanctions against a faculty member, the Sanctions Reviewer will be the academic vice president if the sanction is not for



involuntary termination, or, in the case of involuntary termination of employment, the university president.

- When the resolution includes disciplinary sanctions against an administrative or staff employee, the Sanctions Reviewer will be the Human Resources Committee (HRC). HRC members who were involved in the Disciplinary Committee Decision will be recused from the HRC.
- When the resolution includes disciplinary sanctions against any student, including a student employee, the Sanctions Reviewer will be the dean of students.
- When the resolution includes a campus ban decision against a visitor, the Sanctions Reviewer will be determined by the Ban Review Committee as established under the Review provisions of the [Banning Procedures](#).

Within thirty calendar days of receiving the Respondent's submission, the Sanctions Reviewer will provide the Title IX Coordinator with a written determination as to whether the Respondent has shown that one or both of the grounds for the Sanctions Appeal identified above is present. If the Sanctions Reviewer determines that the Respondent has made this showing, the Sanctions Reviewer may reverse or amend the discipline imposed by the Disciplinary Committee. The Title IX Coordinator will promptly notify both parties at their email and residential addresses on file with the university. This decision is final, and further review of the resolution or disciplinary sanction(s) will not be allowed.

In cases where the appeal results in reinstatement to the university or resumption of privileges, all reasonable attempts will be made to restore the Respondent to his or her prior status, recognizing that some opportunity lost may be irreparable in the short term.

## **16. Voluntary Withdrawal or Resignation**

If a student voluntarily withdraws or an employee resigns from the university prior to the investigation being completed or sanctions and resolutions being determined, the university may nevertheless determine at its discretion to proceed with an investigation of the allegations to establish appropriate conditions for permitting the student to return to the university or for rehiring the employee, and to make appropriate notations on the student's official university records or the employee's employment records regarding his or her status at the university. The university may also place a hold on a student's registration, re-admission, and graduation or on any re-hiring of an employee pending an investigation and resolution of the allegations.

## **V. TRAINING**

The university will seek to make all employees and students familiar with the contents of this policy. All administrators, deans, chairs, directors, managers, and supervisors are responsible to



ensure that employees within their areas of stewardship are properly trained on their obligations under this policy and applicable laws.

The Title IX Coordinator will develop and oversee training and education programs to promote the awareness of domestic violence, dating violence, sexual assault, stalking, sexual harassment, and sexual violence, including rape. Deputy Title IX coordinators may assist in fulfilling that responsibility. All training sessions and participants should be documented, and those records should be provided to the Title IX Coordinator. The training and education should consist of at least the following:

- Primary prevention and awareness programs for all incoming students and new employees, and ongoing prevention and awareness campaigns for continuing students and employees.
- Annual training for the Title IX Coordinator, deputy Title IX coordinators, Investigators, members of the Disciplinary Committees, and Sanctions Reviewers on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.

BYU's Title IX Office is committed to sponsoring and conducting events and campaigns that effectively promote the awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking, and sexual harassment. Additionally, the university aims to make the campus community aware of risk reduction methods and positive options for bystander intervention where any of these behaviors occur.

The Title IX Office events, campaigns, and trainings at BYU should include in-person trainings, such as trainings during New Student Orientation, and passive poster and banner campaigns, such as during Domestic Violence Awareness Month and at prevention and awareness events that call for active participation by students and the members of the campus community. The events, campaigns, and trainings should be tasteful, sensitive, and consistent with the university's values and in keeping with legal guidance to be "culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome" (34 C.F.R. § 668.46(a)(i)(A)(2018)).

A calendar of events can be found at <https://titleix.byu.edu/events>. Additionally, online training modules for students are available at <http://training.titleix.byu.edu>.

[Approved 10 May 2018; Prior Version 23 Mar 2015]

**APPLICABILITY:** This policy applies to all university students, all university personnel (including faculty, administrative and staff employees, volunteers, and representatives), and all visitors to



the university (including, but not limited to, independent contractors, vendors, visiting lecturers, and visiting students).

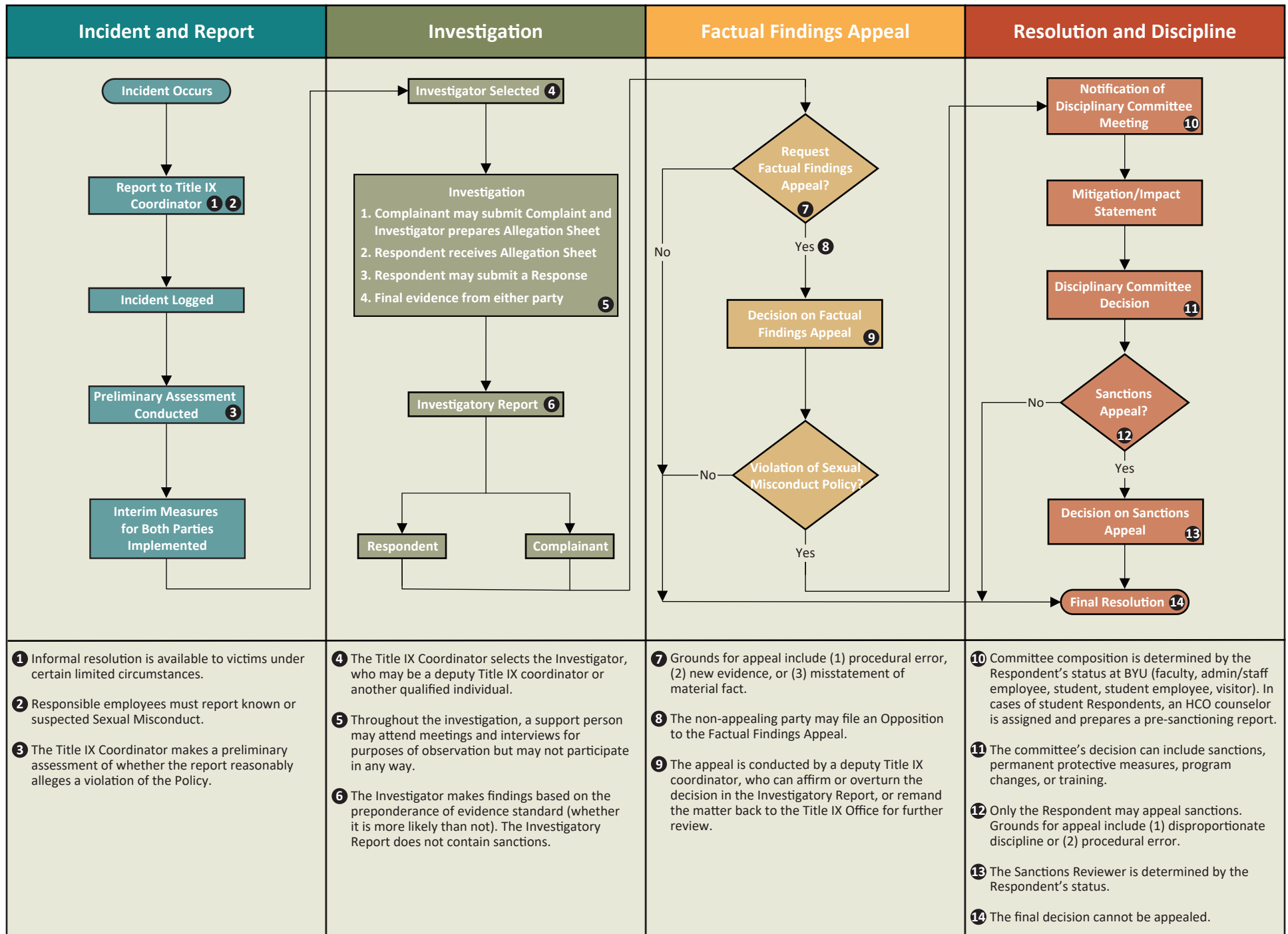
**RESPONSIBLE UNIVERSITY OFFICERS:** Student Life Vice President; Administrative Vice President and Chief Financial Officer; Academic Vice President

**RESPONSIBLE UNIVERSITY OFFICES:** Title IX Office; Human Resource Services; Office of Faculty Relations

**RELATED UNIVERSITY POLICIES:**

- [Access to Student Records Policy](#)
- [Administrative and Staff Employee Discipline Policy](#)
- [Administrative and Staff Employee Grievance Policy](#)
- [Administrative and Staff Employee Discipline Procedures](#)
- [Campus Security Timely Warning Notice Policy](#)
- [Child Protection Policy](#)
- [Church Educational System Honor Code](#)
- [Discrimination Complaint Procedures](#)
- [Faculty Discipline and Termination Policy](#)
- [Faculty Grievance Policy](#)
- [Honor Code Investigation and Administrative Review Process](#)
- [Nondiscrimination and Equal Opportunity Policy](#)
- [Sex Offender Investigation and Review Process](#)
- [Sex Offender Policy](#)

# Brigham Young University Sexual Misconduct Policy Flowchart



This flowchart is a visual representation of the steps set out more completely in the [Sexual Misconduct Policy](#).  
 To the extent there is any conflict between this flowchart and the Sexual Misconduct Policy, the Sexual Misconduct Policy governs.



## Brigham Young University Sexual Misconduct Policy

### Timeframes & Page Limits

|                           | What                                | Who  | When   | Page Limits                    |
|---------------------------|-------------------------------------|--|--|--------------------------------|
| Investigation             | Formal Complaint                    | Complainant will prepare and submit a signed written statement                 | Within 5 business days of request from Investigator  | 10 pages excluding attachments |
|                           | Response                            | Respondent may prepare and submit a signed written statement                   | Within 14 calendar days of delivery of Allegation Sheet  | 10 pages excluding attachments |
|                           | Final Evidence                      | Parties submit any final information not already included in the investigation | Within 3 business days of request from Investigator  | N/A                            |
| Factual Findings Appeal   | Factual Findings Appeal             | Either party may appeal the findings in an Investigatory Report                | Within 10 business days of delivery of Investigatory Report  | 5 pages excluding attachments  |
|                           | Opposition                          | Non-appealing party may file an opposition to the Factual Findings Appeal      | Within 10 business days of delivery of the Factual Findings Appeal                                       | 5 pages excluding attachments  |
|                           | Decision on Factual Findings Appeal | Reviewer issues a written decision on the Factual Findings Appeal              | Within 30 calendar days of receiving the submissions   | N/A                            |
| Resolution and Discipline | Disciplinary Committee              | Disciplinary Committee convenes  | Within 21 calendar days of final determination that Respondent has violated the Sexual Misconduct Policy | N/A                            |
|                           | Mitigation/Impact Statement         | Parties may submit a statement   | No later than 5 business days prior to the Disciplinary Committee meeting                                | 2 pages excluding attachments  |
|                           | Disciplinary Committee Decision     | Disciplinary Committee issues decision   | Within 30 calendar days of the Disciplinary Committee meeting  | N/A                            |
|                           | Sanctions Appeal                    | Respondent may appeal the Disciplinary Committee Decision                      | Within 10 business days of delivery of Disciplinary Committee Decision                                   | 5 pages excluding attachments  |
|                           | Decision on Sanctions Appeal        | Sanctions Reviewer issues written decision to Title IX Coordinator             | Within 30 calendar days of receiving the Sanctions Appeal  | N/A                            |

This chart is a representation of the timeframes set out more completely in the [Sexual Misconduct Policy](#). To the extent there is any conflict between this chart and the Sexual Misconduct Policy, the Sexual Misconduct Policy governs.

## Appendix C: Drug-Free School Policy



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## Drug-Free School Policy

Brigham Young University encourages an academic environment that promotes the health, safety, and welfare of all university members. As a condition of enrollment or employment, the university requires that all students and personnel abide by a personal commitment to the Church Educational System Honor Code (“Honor Code”), which includes abstaining from the possession, use, or distribution of illegal drugs or alcohol, and abstaining from the intentional misuse or distribution of any prescription or legal drugs without specific medical authorization. These prohibitions apply both on and off campus.

The Drug-Free Schools and Communities Act Amendments of 1989 provides that, as a condition of receiving federal funds under any federal program, a higher education institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of drugs and alcohol by students and personnel.<sup>1</sup> To comply with this law and further its commitment to support society’s effort to eliminate drug and alcohol abuse, the university has adopted this Drug-Free School Policy to supplement the Honor Code. If there is a conflict between this policy and the Honor Code, the Honor Code will be the controlling document.

This Drug-Free School Policy should not be confused with the university’s Drug-Free Workplace Policy, which is designed to comply with the Drug-Free Workplace Act of 1988 and which governs the workplace environment of university personnel engaged in research sponsored by the federal government.

### Drug Prevention Program

The university has adopted and implemented a drug prevention program for its students and university personnel. This program includes annual distribution in writing to each student—regardless of the length of the student’s program of study—and to all personnel the following information: (1) the standard of conduct expected of students and personnel in relation to the possession, use, or distribution of drugs and alcohol; (2) the standard of conduct related to the misuse of prescription drugs, alcohol, and tobacco; (3) a description of the applicable legal sanctions under state and federal law that may arise from the unlawful possession or distribution of drugs; (4) a description of the health risks associated with the use of illegal drugs; (5) a description of the university’s substance abuse counseling and treatment resources available to students and personnel; and (6) a clear statement of the disciplinary sanctions that may be imposed upon students and personnel for violations of the university’s Drug-Free School Policy.

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<sup>1</sup> See 20 U.S.C. § 1011i; 34 C.F.R. § 86.1.



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**Disciplinary Sanctions for Drug Violations**

Personnel or students found to be knowingly possessing, using, or distributing illegal drugs, alcohol, or tobacco are subject to university disciplinary action and, if applicable, to legal sanctions pursuant to federal, state, or local law. A student or employee who violates this policy or the related prohibitions on drug, alcohol, and tobacco use in the Honor Code will be subject to applicable disciplinary sanctions up to and including dismissal from the university or termination of employment.

The university will determine the appropriate sanction(s) on a case-by-case basis and may consider all of the circumstances involved, including, but not limited to, the following factors: (1) whether the violation constitutes a first offense; (2) the scope and duration of the individual's drug, alcohol, or tobacco use; (3) whether the individual has requested assistance to obtain substance abuse treatment; and (4) any other efforts the individual has undertaken to correct the misconduct, such as counseling with an ecclesiastical leader about the drug, alcohol, or tobacco use. In applicable cases, discipline may involve referral to local law enforcement for criminal prosecution.

Individuals involved in the unintentional misuse of prescription drugs are not subject to the sanctions stated in this policy, but rather are encouraged to seek assistance from the university's Substance Abuse Prevention Services.

**Available Drug Counseling and Treatment**

The university supports student and personnel participation in programs to prevent the abuse of illegal drugs, prescription drugs, alcohol, and tobacco. Substance Abuse Prevention Services, located at 1500 WSC (801-422-1942), has been established to provide students with confidential assistance for drug and alcohol abuse problems. Educational training programs, health information, preliminary evaluations, and counseling for possible referral to an outside medical provider are available. The Honor Code Office (801-422-2847) and Counseling and Psychological Services (801-422-3035) also provide consultations. Counselors in these offices are experienced professionals who offer support for students in an atmosphere of understanding and confidentiality. All programs offer individual assessment and referral to both on- and off-campus resources. Several independent off-campus entities also offer counseling services that are not affiliated with the university or its sponsor, The Church of Jesus Christ of Latter-day Saints.

The general university prevention program of information dissemination, consultation, and referral is available as follows:

- The university will educate students and personnel about the detrimental effects of illegal drugs, misuse of prescription drugs, alcohol, and tobacco through the university's annual Clery Act Campus Security Report ("Security Report") publication and distribution. Additional educational training for those who request the service may



consist of university sponsored workshops, seminars, and lectures as determined appropriate by the director of Substance Abuse Prevention Services and approved by university administration.

- A description of the health risks associated with any particular drug (i.e., physical and psychological addiction; physical, psychological, and spiritual deterioration; disease; and death) may be obtained from the university's annual Security Report, which is available online at [police.byu.edu](http://police.byu.edu) or can be requested in hard-copy form from University Police.
- The university recognizes that potential legal sanctions may accompany an individual's use of drugs. The applicable legal sanctions under federal, state, or local law may include significant fines and imprisonment. A summary of applicable legal sanctions from the unlawful use of drugs may be obtained from the university's annual Security Report, which is available online at [police.byu.edu](http://police.byu.edu) or can be requested in hard-copy form from University Police.
- Students and personnel involved in the intentional use of drugs, alcohol, or tobacco may seek a consultative interview through the Substance Abuse Prevention Services for possible referral to an outside medical provider. All discussions will be handled in a confidential manner to the extent permitted by law.

The university supports the premise that personnel and students should cooperatively help one another to solve alcohol and substance abuse problems. Persons aware of those with substance abuse problems enrolled at or employed by the university are encouraged to act responsibly by consulting with Substance Abuse Prevention Services, the Faculty Relations Office, the Employee Relations Office, the Honor Code Office, or University Police. Remaining silent or waiting until a situation has escalated is unwise and often dangerous.

#### **Biennial Drug-Free School Program Review**

The university has appointed a standing Drug-Free Compliance Committee which meets at least once every two years or more often as needed. The committee reviews the university's substance abuse prevention program to determine its effectiveness, implement changes to the program as needed, and confirm that appropriate disciplinary sanctions are consistently enforced against students and personnel who violate this policy.

[Approved 6 January 2014; Prior Version: January 1, 1992]

**APPLICABILITY:** This policy applies to all university faculty, employees, volunteers, and students.

**RESPONSIBLE UNIVERSITY OFFICER:** Student Life Vice President

**RESPONSIBLE UNIVERSITY OFFICE:** Dean of Students Office

**RELATED UNIVERSITY POLICIES:**



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- Church Educational System Honor Code
  - Disruptive Student Conduct Policy
  - Drug-Free Workplace Policy
  - Honor Code Investigation and Administrative Review Process



## Appendix D: Drug-Free Workplace Policy



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## Drug-Free Workplace Policy

### Policy

The university absolutely prohibits the unlawful manufacture, use, dispensing, possession, or distribution of controlled substances by any employee, student, volunteer, or other individual participating in the university workplace (collectively referred to in this policy as “workforce participant(s)”).

As a condition of employment or participation in the university workplace, BYU requires all workforce participants, to abide by this BYU Drug-Free Workplace Policy. The Honor Code also addresses workforce participants’ use of controlled substances or abuse of medically prescribed substances. In addition to the requirement to abide by this policy, all workforce participants are also required to adhere to the more restrictive prohibitions outlined in the Honor Code.

### Procedures

All workforce participants at the university will receive a copy of the Drug-Free Workplace Policy at least annually.

Any workforce participant at the university convicted of violating a criminal drug statute inside OR outside of the workplace must notify his or her immediate supervisor or the principal investigator (in the case of federal research grant or contract) of the conviction, in writing, no later than five calendar days after the conviction. The immediate supervisor or principal investigator is responsible to immediately notify either Employee Relations or Faculty Relations, as appropriate.

If a workforce participant who violates this policy is engaged in a federally funded contract or award, the supervisor or principal investigator must also inform the Director of the Office of Research and Creative Activities. The Director of the Office of Research and Creative Activities will then notify all affected federal agencies within ten days of receiving notice of the conviction in compliance with 34 C.F.R. §84.225(a).

If any workforce participant violates this policy, Employee Relations or Faculty Relations, as appropriate and in consultation with the appropriate unit management, will take appropriate personnel action against the individual, up to and including termination of employment, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as amended.



In the event the individual was engaged in the performance of a federal award or contract, these actions must be taken within 30 calendar days of learning about an individual's conviction. The affected individual may be subject to criminal penalties under applicable federal and state law.

The principal investigator specifically, and not the university, is responsible for ensuring compliance with all terms of a federal grant or contract.

Other disclosures associated with the university's drug-free workplace responsibilities are available in the annual campus security report available at <https://police.byu.edu>.

### **Drug Prevention Assistance**

In an effort to deter drug abuse, the university has established Substance Abuse Prevention Services. For individual assistance, please contact (801) 422-1942.

[Approved 9 Jan 2012; Revised 24 Sept 2019; Prior version 1 Jan 1992]

**APPLICABILITY:** This policy applies to all personnel, including faculty, administrative, staff, and student employees of the university. It also applies to any volunteer or other individual who participates in the workplace at the university.

**IMPLEMENTING PROCEDURES:** <http://www.byu.edu/hr/procedures/drug-free-workplace>

**POLICY OWNER:** Administrative Vice President (administrative, staff and student employees), Academic Vice President (faculty).

**RESPONSIBLE OFFICE:** Employee Relations (student, administrative, and staff employees), Faculty Relations (faculty).

### **RELATED UNIVERSITY POLICIES**

- [Church Educational System Honor Code](#)
- [Drug-Free School](#)

## Appendix E: Legal Sanctions for Unlawful Possession, Distribution, or Consumption of Drugs or Alcohol

# Legal Sanctions for Unlawful Possession, Distribution, or Consumption of Drugs or Alcohol

The following tables show sanctions for illegal possession, distribution, or consumption of drugs or alcohol.

- Table 1—Federal Penalties for Illegal Drug Manufacturing or Distribution—Drug Specific
- Table 2—Federal Penalties for Illegal Drug Manufacturing or Distribution—All Drugs
- Table 3—Federal Penalties for Illegal Possession of Drugs—All Drugs
- Table 4—Utah State Penalties for Possession, Use, or Distribution of Illegal Drugs
- Table 5—Utah State Penalties for Unlawful Possession, Use, or Distribution of Alcohol
- Table 6—Utah State Penalties for Driving Under the Influence of Alcohol

## Table 1—Federal Penalties for Illegal Drug Manufacturing or Distribution—Drug Specific<sup>1</sup>

Below are federal penalties for the manufacture, distribution, or dispensing<sup>2</sup> of specific illegal drugs. See 21 U.S.C. § 841.

| Drug (CSA Schedule)             | Quantity                                | Penalties     |                |                |
|---------------------------------|---|---------------|----------------|----------------|
|                                 |   | First Offense | Second Offense | Third+ Offense |
| Heroin (I & II)                 | 100–999 gm mixture                      | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 1 kg+ mixture                           | Penalty 2     | Penalty 8      | Penalty 13     |
| Cocaine (I & II)                | 500–4,999 gm mixture                    | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 5 kg+ mixture                           | Penalty 2     | Penalty 8      | Penalty 13     |
| Cocaine Base (I & II)           | 28–279 gm mixture                       | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 280 gm+ mixture                         | Penalty 2     | Penalty 8      | Penalty 13     |
| PCP (I & II)                    | 10–99 gm pure or 100–999 gm mixture     | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 100 gm+ pure or 1 kg+ mixture           | Penalty 2     | Penalty 8      | Penalty 13     |
| LSD (I & II)                    | 1–9 gm mixture                          | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 10 gm+ mixture                          | Penalty 2     | Penalty 8      | Penalty 13     |
| Fentanyl (I & II)               | 40–399 gm mixture                       | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 400 gm+ mixture                         | Penalty 2     | Penalty 8      | Penalty 13     |
| Fentanyl Analogue (I & II)      | 10–99 gm mixture                        | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 100 gm+ mixture                         | Penalty 2     | Penalty 8      | Penalty 13     |
| Marijuana <sup>3</sup> (I & II) | Less than 50 kg or fewer than 50 plants | Penalty 3     | Penalty 9      | Penalty 9      |
|                                 | 50–99 kg or 50–99 plants                | Penalty 4     | Penalty 10     | Penalty 10     |
|                                 | 100–999 kg mixture or 100–999 plants    | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 1,000 kg+ mixture or 1,000+ plants      | Penalty 2     | Penalty 8      | Penalty 13     |
| Methamphetamine (I & II)        | 5–49 gm pure or 50–499 gm mixture       | Penalty 1     | Penalty 7      | Penalty 7      |
|                                 | 50 gm+ pure or 500 gm+ mixture          | Penalty 2     | Penalty 8      | Penalty 13     |

<sup>1</sup> The penalties referenced in Table 1 are explained in detail at the end of Table 1. Note that when this table refers to *Second Offense* or *Third+ Offense*, it is not referring only to convictions of the particular drug offense at hand. Rather, for Penalties 7, 8, and 13, the offense is considered a *Second Offense* (or greater, if applicable) if any “prior conviction for a **serious drug felony** or **serious violent felony** has become final.” See 21 U.S.C. § 841(b)(1)(A)–(B) (emphasis added). And for Penalties 9, 10, 11, and 12, the offense is considered a *Second Offense* (or greater, if applicable) if any “prior conviction for a **felony drug offense** has become final.” See 21 U.S.C. § 841(b)(1)(C)–(E) (emphasis added).

<sup>2</sup> These penalties also apply if the person possessed the drug “with **intent** to manufacture, distribute, or dispense” the drug. 21 U.S.C. § 841(a)(1) (emphasis added). Along with the illegal drugs themselves, these penalties also apply to counterfeit drugs. 21 U.S.C. § 841(a)(2).

<sup>3</sup> If the violator distributed a small amount of marijuana without getting paid for it, the violation will be treated like a simple possession violation.

| Drug (CSA Schedule)   | Quantity        | Penalties  |   |   |
|---|-----------------|--|---|---|
|   |                 | First Offense  | Second Offense  | Third+ Offense  |
| Any Schedule I or II Controlled Substance Not Otherwise Identified (I & II) | Any amount      | Penalty 4  | Penalty 10  | Penalty 10  |
| Gamma Hydroxybutyric Acid (I & II)  | Any amount      | Penalty 4  | Penalty 10  | Penalty 10  |
| Flunitrazepam (I & II)  | 1 gm            | Penalty 4  | Penalty 10  | Penalty 10  |
| Hashish (I & II)  | Less than 10 kg | Penalty 3  | Penalty 9   | Penalty 9   |
|   | 10 kg           | Penalty 4  | Penalty 10  | Penalty 10  |
| Hashish Oil (I & II)  | Less than 1 kg  | Penalty 3  | Penalty 9   | Penalty 9   |
|   | 1 kg            | Penalty 4  | Penalty 10  | Penalty 10  |
| All Schedule III Controlled Substances (III)                                | Any amount      | Penalty 5  | Penalty 11  | Penalty 11  |
| All Schedule IV Controlled Substances (IV)                                  | Any amount      | Penalty 3 (except only one year minimum supervised release required) | Penalty 9 (except only two years minimum supervised release required) | Penalty 9 (except only two years minimum supervised release required) |
| All Schedule V Controlled Substances (V)                                    | Any amount      | Penalty 6  | Penalty 12  | Penalty 12  |

### Description of Penalties for Table 1—Imprisonment and Fines<sup>4</sup>

**Penalty 1:** (1) Imprisoned 5 to 40 years, but if there is death/serious injury, then 20 years to life (no parole available for any prison term, and supervised release required for at least 4 years after any prison term); (2) fined no more than \$5 million (for an individual offender) or no more than \$25 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 2:** (1) Imprisoned 10 years to life, but if there is death/serious injury, then 20 years to life (no parole available for any prison term, and supervised release required for at least 5 years after any prison term); (2) fined no more than \$10 million (for an individual offender) or no more than \$50 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 3:** (1) Imprisoned no more than 5 years (supervised release required for at least 2 years after any prison term); (2) fined no more than \$250,000 (for an individual offender) or no more than \$1 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 4:** (1) Imprisoned up to 20 years, but if there is death/serious injury, then 20 years to life (no parole available, and supervised release required for at least 3 years after any prison term); (2) fined no more than \$1 million (for an individual offender) or no more than \$5 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 5:** (1) Imprisoned up to 10 years, but if there is death/serious injury, then up to 15 years (supervised release required for at least 2 years after any prison term); (2) fined no more than \$500,000 (for an individual offender) or no more than \$2.5 million (for any other type of offender); or (3) both imprisoned and fined.

<sup>4</sup> All fine limits listed in this paragraph are subject to preemption by Title 18 of the United States Code; for first-time offenders, the fine limit will be raised to the limit authorized by Title 18 if that amount is higher than the fine listed here, and for subsequent offenders, the fine limit will be raised to twice the limit authorized by Title 18 if that amount is higher than the fine listed here. 21 U.S.C. § 841(b)(1)(A)–(E).



**Penalty 6:** (1) Imprisoned up to 1 year; (2) fined no more than \$100,000 (for an individual offender) or no more than \$250,000 (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 7:** (1) Imprisoned 10 years to life, but if there is death/serious injury, then life (no parole available, and supervised release required for at least 8 years after any prison term); (2) fined no more than \$8 million (for an individual offender) or no more than \$50 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 8:** (1) Imprisoned 15 years to life, but if there is death/serious injury, then life (no parole available, and supervised release required for at least 10 years after any prison term); (2) fined no more than \$20 million (for an individual offender) or no more than \$75 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 9:** (1) Imprisoned up to 10 years (supervised release required for at least 4 years after any prison term); (2) fined no more than \$500,000 (for an individual offender) or no more than \$2 million (for any other type of offender); or (3) both.

**Penalty 10:** (1) Imprisoned up to 30 years, but if there is death/serious injury, then life (no parole available, and supervised release required for at least 6 years after any prison term); (2) fined no more than \$2 million (for an individual offender) or no more than \$10 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 11:** (1) Imprisoned up to 20 years, but if there is death/serious injury, then up to 30 years (supervised release for at least 4 years after any prison term); (2) fined no more than \$1 million (for an individual offender) or no more than \$5 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 12:** (1) Imprisoned up to 4 years (possibility of supervised release up to 1 year after any prison term); (2) fined no more than \$200,000 (for an individual offender) or no more than \$500,000 (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 13:** Imprisoned at least 25 years (no parole) and fined no more than \$20 million (for an individual offender) or no more than \$75 million (for any other type of offender).

**Table 2—Federal Penalties for Illegal Drug Manufacturing or Distribution—All Drugs**

Below are federal penalties for crimes related to the manufacture or distribution of any illegal drug.

| Citation                              | Summary  | First Offense   | Second Offense  | Third Offense  |
|---------------------------------------|--|---|---|--|
| 21 U.S.C. §§ 859(a)–(b), 841(b)(1)(A) | Distribution of controlled substances to persons under 21 years of age by someone of at least 18 years of age.   | Twice the maximum penalties described in Table 1 and at least twice any authorized term of supervised release. Unless “a greater minimum sentence is otherwise provided,” a term of imprisonment not less than 1 year. This does not apply to offenses involving 5 gm or less of marijuana.   | Three times the maximum penalties described in Table 1 and at least three times any authorized term of supervised release. Unless “a greater minimum sentence is otherwise provided,” a term of imprisonment not less than 1 year.  | Imprisonment of at least 25 years. Fined in accordance with their previous sentence. |
| 21 U.S.C. § 860(a)–(b)                | Distribution, possession with intent to distribute, or manufacture of a controlled substance in or within one thousand feet of school property (including elementary schools and universities), a playground, or a public housing facility, or within 100 feet of a youth center, public swimming pool, or video arcade. | Twice the maximum penalties described in Table 1 and “at least twice any [authorized] term of supervised release.” Unless a greater minimum sentence is otherwise provided, a term of imprisonment not less than 1 year. This does not apply to offenses involving 5 gm or less of marijuana. | Imprisonment of either (1) not less than 3 years and not more than life or (2) three times the maximum punishment described in Table 1, whichever term of imprisonment is longer. “[A]t least three times any term of supervised release” described in Table 1. A fine up to three times any fine described in Table 1. | Imprisonment of at least 25 years. Fined in accordance with their previous sentence. |
| 21 U.S.C. 860(c)                      | A person 21 years or older employing, coercing, or persuading children to distribute drugs in one of the places prohibited above (e.g. schools, playgrounds, video arcades) or “to assist in avoiding detection or apprehension” of these violations.  | Imprisonment, fine, or both, up to triple those described in Table 1.   | Imprisonment, fine, or both, up to triple those described in Table 1.   | Imprisonment, fine, or both, up to triple those described in Table 1.                |
| 21 U.S.C. § 855                       | “In lieu of [an otherwise authorized fine], a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.”   | N/A   | N/A   | N/A  |
| 21 U.S.C. § 862(a)                    | Conviction (at either the federal or state level) for distribution of a controlled substance. <sup>5</sup>   | Ineligible for any or all federal benefits for up to 5 years, as decided by the court.  | Ineligible for any or all federal benefits for up to 10 years, as decided by the court.   | Permanent ineligibility for all federal benefits.                                    |

<sup>5</sup> For the penalties listed in this row, the federal benefits that may be denied to the person do not include benefits relating to long-term addiction treatment programs if 1) the person declares himself or herself to be an addict, the circumstances reasonably substantiate that claim, and the person submits to a long-term addiction treatment program; or (2) the person is determined to be successfully rehabilitated under the rules of the Secretary of Health and Human Services. 21 U.S.C. § 862(a)(2). The person’s ineligibility for federal benefits will also be suspended if he or she completes a supervised drug rehabilitation program, has otherwise been rehabilitated, or has made a good faith effort to join a supervised drug rehabilitation program, but is unable to join due to program inaccessibility or unavailability, or due to the person’s inability to pay for a program. 21 U.S.C. § 862(c)(C).

| Citation              | Summary  | First Offense   | Second Offense  | Third Offense   |
|-----------------------|--|---|---|---|
| 21 U.S.C. § 841(h)    | Knowingly or intentionally (1) using the Internet to deliver, distribute, or dispense a controlled substance without legal authorization or (2) aiding or abetting such activity.  | Penalized in accordance with Table 1.   | Penalized in accordance with Table 1.   | Penalized in accordance with Table 1.   |
| 21 U.S.C. § 841(g)    | Knowingly using the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that (1) the drug would be used in the commission of criminal sexual conduct or (2) the person is not an authorized purchaser. Date rape drugs include gamma hydroxybutyric acid (or a GHB analog, including gamma butyrolactone and 1,4-butanediol); ketamine; flunitrazepam; or any drug designated by the Attorney General as a date rape drug.  | Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.   | Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.   | Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.   |
| 21 U.S.C. § 841(b)(7) | Distributing a controlled substance or controlled substance analog to another person without that person's knowledge, with intent to commit a crime of violence (including rape) against that person.  | Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.  | Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.  | Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.  |
| 21 U.S.C. § 841(b)(5) | Unlawfully cultivating or manufacturing a controlled substance on federal property.  | Penalized in accordance with Table 1; except that if the fine limits for the base violation are less than \$500,000 (for an individual offender) and \$1 million (for any other type of offender), the fine limits will be raised to \$500,000 and \$1 million, respectively. | Penalized in accordance with Table 1; except that if the fine limits for the base violation are less than \$500,000 (for an individual offender) and \$1 million (for any other type of offender), the fine limits will be raised to \$500,000 and \$1 million, respectively. | Penalized in accordance with Table 1; except that if the fine limits for the base violation are less than \$500,000 (for an individual offender) and \$1 million (for any other type of offender), the fine limits will be raised to \$500,000 and \$1 million, respectively. |
| 21 U.S.C. § 841(b)(6) | Manufacturing, distributing, or dispensing a drug or counterfeit substance; possessing with intent to manufacture, distribute, or dispense a drug or counterfeit substance; or attempting to carry out one of these actions; and knowingly or intentionally using a poison, chemical, or other hazardous substance on federal land, thereby (1) creating a serious hazard to humans, wildlife, or domestic animals; (2) degrading or harming the environment or natural resources; or (3) polluting an aquifer, spring, stream, river, or body of water. | Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.   | Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.   | Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.   |

| Citation                          | Summary   | First Offense   | Second Offense  | Third Offense   |
|-----------------------------------|---|---|---|---|
| 21 U.S.C. §§ 841(c), 802(33)–(35) | Knowingly or intentionally (1) possessing a List I or List II chemical with intent to manufacture a controlled substance without legal authorization; or (2) possessing or distributing a List I or List II chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance without legal authorization. | For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both.<br>For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both. | For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both.<br>For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both. | For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both.<br>For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both. |
| 21 U.S.C. §§ 841(c), 802(33)–(35) | With the intention of evading the recordkeeping or reporting requirements of 21 U.S.C. § 830 or its subsequent regulations, receiving or distributing a reportable amount of any List I or List II chemical in units small enough that the making of records or filing of reports under that section is not required.   | Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.  | Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.  | Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.  |

**Table 3—Federal Penalties for Illegal Possession of Drugs—All Drugs**

Below are federal penalties for crimes related to the possession of any illegal drug.

| Citation  | Summary   | First Offense  | Second Offense   | Third+ Offense   |
|---|---|--|--|--|
| 21 U.S.C. § 844(a)                                | Prohibits intentional or knowing possession of a controlled substance without a prescription or registration.   | Term of imprisonment no more than 1 year, minimum fine of \$1,000 (unless the defendant lacks the ability to pay), or both. However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of \$1,000 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay. | Term of imprisonment no less than 15 days and no more than 2 years and a minimum fine of \$2,500 (unless the defendant lacks the ability to pay). However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of \$2,500 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay. | Term of imprisonment no less than 90 days and no more than 3 years and a minimum fine of \$5,000 (unless the defendant lacks the ability to pay). However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of \$5,000 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay. |
| 21 U.S.C. § 844(a);<br>28 C.F.R. §§ 76.3(a), 85.5 | An individual in knowing possession of a controlled substance can face a civil fine of up to \$20,521 for each violation. <sup>6</sup>  | N/A  | N/A  | N/A  |
| 21 U.S.C. §§ 853(a)(1)–(2), 881(a)(7)             | If the drug offense is punishable by more than 1 year of imprisonment, an individual must forfeit any real property, as well as personal property obtained as the result of a violation or used (or intended to be used) in facilitating the violation. | N/A  | N/A  | N/A  |
| 21 U.S.C. § 862(b)(1)                             | Conviction (at either the federal or state level) for possession of a controlled substance. <sup>7</sup>  | Ineligible for any or all federal benefits for up to 1 year, as decided by the court. The court may order participation in an approved drug treatment program, which includes periodic testing. The court may also order community service.  | Same penalty possibilities as first offense, except ineligibility for federal benefits for up to 5 years. The court may require that the completion of the conditions listed in the first offense be required for the reinstatement of federal benefits.   | Same as second offense.  |

<sup>6</sup> “A civil penalty may not be assessed on an individual under this part on more than two separate occasions.” 28. C.F.R. § 76.3(d).

<sup>7</sup> All penalties listed in this row will be waived if (1) the person declares himself or herself to be an addict, the circumstances reasonably substantiate that claim, and the person submits to a long-term addiction treatment program; or (2) the person is determined to be successfully rehabilitated under the rules of the Secretary of Health and Human Services. 21 U.S.C. § 862(b)(2). The person’s ineligibility for federal benefits will also be suspended if he or she completes a supervised drug rehabilitation program, has otherwise been rehabilitated, or has made a good faith effort to join a supervised drug rehabilitation program, but is unable to due to program inaccessibility or unavailability, or due to the person’s inability to pay for a program. 21 U.S.C. § 862(c)(C).

| Citation           | Summary  | First Offense | Second Offense | Third+ Offense |
|--------------------|--|---------------|----------------|----------------|
| 21 U.S.C. § 881(a) | An individual may be required to forfeit vehicles, boats, aircrafts, or any other conveyance used (or intended to be used) to transport or conceal a controlled substance; an individual may also be required to forfeit other property (books, records, research, raw materials, money, real estate, illegal drugs, manufacturing equipment, firearms, etc.) used (or intended to be used) to facilitate the violation of a drug law. | N/A           | N/A            | N/A            |
| 18 U.S.C. § 922(g) | An individual convicted of a crime punishable by imprisonment for more than one year, or who “is an unlawful user of or addicted to any controlled substance” is ineligible to transport, possess, or receive a firearm.   | N/A           | N/A            | N/A            |

**Table 4—Utah State Penalties for Possession, Use, or Distribution of Illegal Drugs**

Below are the Utah penalties for crimes related to the possession, use, or distribution of illegal drugs. (See UTAH CODE ANN. §§ 58-37-4.2, -37-8, -37b-4; 76-3-203, -204, -205, -301.)

| Violation  | Controlled Substance Category  | Classification   |
|--|--|--|
| Production, manufacture, dispensation, or distribution of (or possession with the intent to produce, manufacture, dispense, or distribute) a controlled or counterfeit substance; <sup>8</sup> or agreeing, consenting, offering, or arranging to distribute a controlled or counterfeit substance; or engaging in a continuing criminal enterprise where the person commits or contributes to a felony violation of the Utah Controlled Substances Act, Utah Drug Paraphernalia Act, Imitation Controlled Substances Act, Utah Controlled Substance Precursor Act, or Clandestine Drug Lab Act; or engaging in a continuing criminal enterprise where the violation is part of a continuing series of two or more violations of the Utah Controlled Substances Act, Utah Drug Paraphernalia Act, Imitation Controlled Substances Act, Utah Controlled Substance Precursor Act, or Clandestine Drug Lab Act, on separate occasions that are undertaken in concert with five or more persons with respect to whom the violator occupies a position of organizer, supervisor, or any other position of management. | Schedule I or II (or a counterfeit thereof), a controlled substance analog, <sup>9</sup> or gamma hydroxybutyric acid (Schedule III) | Second-degree felony—first conviction  |
|  | Schedule III or IV (or a counterfeit thereof), marijuana, or a controlled substance listed in Utah Code Ann. § 58-37-4.2             | First-degree felony—second or subsequent conviction  |
|  | Schedule V   | Third-degree felony—first conviction   |
|  |  | Second-degree felony—second or subsequent conviction   |
| Manufacture or distribution of (or possession with intent to distribute) an imitation controlled substance. <sup>10</sup>  | All imitation controlled substances  | Class A misdemeanor  |
| Committing one of the crimes listed in the previous two rows of this table if the violation occurs <ul style="list-style-type: none"> <li>in (or in an area within 100 feet of) a public or private elementary, secondary, vocational, or postsecondary school;</li> <li>on (or in an area within 100 feet of) the grounds of a public or private elementary, secondary, vocational, or postsecondary school between 6 a.m. and 10 p.m.;</li> <li>on (or in an area within 100 feet of) the property of a preschool or child-care facility during its hours of operation;</li> <li>in (or in an area within 100 feet of) a public park, amusement park, arcade, or recreation center while the facility in question is open to the public;</li> <li>on (or in an area within 100 feet of) the property of a house of worship;</li> <li>on (or in an area within 100 feet of) library property while the library is open to the public; or</li> <li>in the presence of a person under 18 years old, regardless of where the act occurs.</li> </ul>  | N/A  | If the base violation is a first-degree felony, the violation will remain a first-degree felony; however, the offender will not be eligible for probation. |
|  |  | If the base violation is less than a first-degree felony, the violation will be raised by one degree.  |

<sup>8</sup> “Counterfeit substance” refers to controlled substances (or their containers or labels) that contain the identifying mark or likeness of a manufacturer, distributor, or dispenser falsely and without authorization, and that, based on their appearance, a reasonable person would mistake for a controlled substance distributed by an authorized manufacturer, distributor, or dispenser; it may also refer to any other substance that is falsely represented to be a legally or illegally manufactured controlled substance and that a reasonable person would believe to be a legal or illegal controlled substance. UTAH CODE ANN. § 58-37-2(1)(i)(i).

<sup>9</sup> “Controlled substance analog” refers to a drug that is substantially chemically similar to a controlled substance or has a stimulant, depressant, or hallucinogenic effect that is substantially similar to that of a controlled substance (or is represented or intended to have such an effect). This does not include substances not intended for human consumption, certain drugs that are legally distributed and intended for lawful medical use, or dietary supplements and similar substances that may contain naturally occurring amounts of a controlled substance. UTAH CODE ANN. § 58-37-2(1)(g).

<sup>10</sup> “Imitation controlled substance” refers to a substance that is not a controlled substance and is not represented to be a legally or illegally manufactured controlled substance, but that is designed or packaged to substantially resemble any legally or illegally manufactured controlled substance. UTAH CODE ANN. § 58-37b-2(3).



| Violation   | Controlled Substance Category  | Classification  |
|---|--|---|
| Committing one of the crimes listed in the first two rows of this table for the purpose of enabling the distribution of a controlled substance to an inmate or on the grounds of a correctional facility. | N/A  | If the base violation is a first-degree felony, the violation will remain a first-degree felony; however, the offender will not be eligible for probation. Violating this provision adds an extra year to the violator's imprisonment sentence and allows the court the option to add up to five years to the violator's imprisonment sentence. |
|   |  | If the base violation is less than a first-degree felony, the violation will be raised by one degree. Violating this provision adds an extra year to the violator's imprisonment sentence and allows the court the option to add up to five years to the violator's imprisonment sentence.  |
| Unlawful possession or use <sup>11</sup> of a controlled substance or controlled substance analog. <sup>12</sup>  | Marijuana (100 lbs. or more)   | Second-degree felony  |
|   | Schedule I or II, or a controlled substance analog   | Class A misdemeanor—first or second conviction  |
|   |  | Third-degree felony—third or subsequent conviction  |
|   | Marijuana (less than 100 lbs.), a listed controlled substance found in Utah Code Ann. § 58-37-4.2, or any other controlled substance | Class B misdemeanor—first or second conviction  |
|   |  | Class A misdemeanor—third conviction  |
| Unlawful possession or use of a controlled substance or controlled substance analog while on the property of a correctional facility, public jail, or other place of confinement                          | Marijuana (100 lbs. or more)   | Third-degree felony—fourth or subsequent conviction   |
|   |  | First-degree felony (plus an extra year of imprisonment, and with the court having the option to add up to five additional years of imprisonment)   |
|   | Schedule I or II, or a controlled substance analog   | Third-degree felony (plus an extra year of imprisonment, and with the court having the option to add up to five additional years of imprisonment)—first or second conviction  |
|   |  | Second-degree felony (plus an extra year of imprisonment, and with the court having the option to add up to five additional years of imprisonment)—third or subsequent conviction   |
|   | Marijuana (less than 100 lbs.), a listed controlled substance found in Utah Code Ann. § 58-37-4.2, or any other controlled substance | Class B misdemeanor (plus an extra six months of imprisonment)—first or second conviction   |
|   |  | Class A misdemeanor (plus an extra six months of imprisonment)—third conviction   |
|   |  | Third-degree felony (plus an extra six months of imprisonment)—fourth or subsequent conviction  |
| Possession of an altered or forged prescription or written order for a controlled substance; or for an owner, tenant, licensee, or person in control of a building, room, tenement, vehicle, boat,        | All controlled substances  | Class B misdemeanor—first conviction  |
|   |  | Class A misdemeanor—second conviction   |

<sup>11</sup> If a person has committed unlawful possession or use of less than 16 ounces of marijuana, unlawful possession or use of any other controlled substance, or a violation of the Utah Drug Paraphernalia Act or Imitation Controlled Substances Act, there is an affirmative defense available if the violator reported their own or another person's drug overdose during the same course of events in which the alleged violation occurred, in some situations. For more information, see UTAH CODE ANN. § 58-37-8(16).

<sup>12</sup> If a person is convicted of one of the crimes listed in this row *after* having been convicted of any crime listed in the first row of this table, the penalty will be raised by one degree from the penalty listed here. UTAH CODE ANN. § 58-37-8(2)(c).

| Violation  | Controlled Substance Category | Classification                                     |
|--|-------------------------------|--|
| aircraft, or other place, knowingly or intentionally permitting occupants to unlawfully possess, use, or distribute controlled substances in the location. <sup>13</sup>   |                               | Third-degree felony—third or subsequent conviction |
| Use of a license number that is fictitious, revoked, suspended, or issued to another person as part of the manufacture or distribution of a controlled substance; or representing oneself to be a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.  | All controlled substances     | Class A misdemeanor—first or second conviction     |
|  |                               | Third-degree felony—third or subsequent conviction |
| Obtaining possession of, obtaining a prescription for, procuring the administration of, or attempting to procure the administration of a controlled substance through misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription or written order for a controlled substance, use of a false name or address, or failure to disclose receiving a controlled substance from another source; or dispensing or prescribing a controlled substance to someone known to be attempting to obtain possession of, obtain a prescription for, or procure the administration of a controlled substance through misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription or written order, use of a false name or address, or failure to disclose receiving a controlled substance from another source. | All controlled substances     | Class A misdemeanor—first or second conviction     |
|  |                               | Third-degree felony—third or subsequent conviction |
| Making a false or forged prescription or written order for a controlled substance, verbally conveying any such false or forged prescription or order, or altering a prescription or written order.   | All controlled substances     | Class A misdemeanor—first or second conviction     |
|  |                               | Third-degree felony—third or subsequent conviction |
| Making, distributing, or possessing the means (e.g. a punch, die, plate, stone, etc.) of reproducing an identifying mark, imprint, or device onto a substance, container, or label in order to create a counterfeit controlled substance.  | All controlled substances     | Third-degree felony                                |

#### Description of Penalties for Table 4

**Class B Misdemeanor:** Imprisonment not more than 6 months; fine not to exceed \$1,000

**Class A Misdemeanor:** Imprisonment not more than 364 days; fine not to exceed \$2,500

**Third-Degree Felony:** Imprisonment not more than 5 years; fine not to exceed \$5,000

**Second-Degree Felony:** Imprisonment not less than 1 year nor more than 15 years; fine not to exceed \$10,000

**First-Degree Felony:** Imprisonment not less than 5 years and which may be up to life; fine not to exceed \$10,000

<sup>13</sup> See previous footnote.

## Table 5—Utah State Penalties for Unlawful Possession, Use, or Distribution of Alcohol

Below are some of the Utah penalties for crimes related to the unlawful possession, use, or distribution of alcohol. (See UTAH CODE ANN. §§ 76-3-204, -205, -301.)

| Category and Violation   | Classification  |
|--|---|
| Possession or Purchase by Minors—Possession, purchase, attempt to purchase (by themselves or by soliciting another), consumption, or having measurable levels of alcohol in their body by a person less than 21 years of age; or a minor misrepresenting their own age, or any other person misrepresenting the age of a minor, for the purpose of purchasing or obtaining an alcoholic product. (UTAH CODE ANN. §§ 32B-4-409(1)–(2), -4-304(1)) | Class B misdemeanor <sup>14</sup>   |
| Selling to Minors—Selling, offering to sell, or giving alcoholic products to persons less than 21 years of age. (UTAH CODE ANN. § 32B-4-403)   | Class A misdemeanor—if the person who furnishes the alcohol knows the recipient is a minor  |
|  | Class B misdemeanor—if the person who furnishes the alcohol “negligently or recklessly fails to determine” the age of the recipient |
| Incorrect Proof of Age—Using a proof of age that contains false information with intent to procure an alcoholic product, gain admittance to a restricted area, or obtain employment otherwise prohibited by the Alcoholic Beverage Control Act. (UTAH CODE ANN. §§ 32B-1-101, -403(2); -4-411)   | For minors: Class B misdemeanor—first offense   |
|  | For minors: Class A misdemeanor—second offense  |
|  | For minors: Class A misdemeanor with additional penalties—third or subsequent offense   |
|  | For all other violators: Class A misdemeanor  |
| Consumption in Public Places—Consuming liquor in a public building, park, or stadium. (UTAH CODE ANN. § 32B-4-421)   | Class C misdemeanor   |
| Intoxication—“A person is guilty of intoxication if the person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger the person or another, in a public place or in a private place where the person unreasonably disturbs other persons.” (UTAH CODE ANN. § 76-9-701)   | Class C misdemeanor <sup>15</sup>   |
| Unlawfully Permitting Intoxication—No person shall permit anyone to become intoxicated or allow an already intoxicated person to consume an alcoholic product as described above in any premises of which the person is the owner, tenant, or occupant, or in a chartered bus or limo of which the person is the owner or operator. (UTAH CODE ANN. § 32B-4-419)   | Class C misdemeanor   |
| Unlawful Sale or Supply to Intoxicated Person—A person may not sell, offer to sell, or furnish any alcoholic product to any person who is actually or apparently intoxicated or to any person who, given the circumstances, the person knows or should know is intoxicated. (UTAH CODE ANN. § 32B-4-404)   | Class B misdemeanor—if committed negligently or recklessly  |
|  | Class A misdemeanor—if committed knowingly  |
| Unlawful Purchase by an Intoxicated Person—A person may not purchase an alcoholic product if the person is intoxicated. (UTAH CODE ANN. §§ 32B-4-412, -4-304(1))   | Class B misdemeanor   |
| Unlawful Transfer of Identification Card—It is unlawful for the owner of an identification card or other proof of age to transfer the proof of age to any other person in order to help that person (1) obtain alcoholic products, (2) gain admittance to a restricted area, or (3) obtain employment otherwise prohibited by the Alcoholic Beverage Control Act.. (UTAH CODE ANN. § 32B-1-403(1))   | Class B misdemeanor   |

### Description of Penalties for Table 5

**Penalty for Class C Misdemeanor:** Imprisonment not more than 90 days; fine not exceeding \$750

**Penalty for Class B Misdemeanor:** Imprisonment not more than 6 months; fine not to exceed \$1,000

<sup>14</sup> If the violator is a minor, the court may order a substance abuse screening, assessment, educational series, and (if appropriate) treatment for a first-time offense. UTAH CODE ANN. §§ 32B-4-409(4)(a), 41-6a-501. For a second or subsequent offense, the court *must* order these programs. UTAH CODE ANN. §§ 32B-4-409(4)(b).

<sup>15</sup> If the violator is a minor, the court may order a substance abuse screening, assessment, educational series, and (if appropriate) treatment for a first-time offense. UTAH CODE ANN. § 76-9-701(3)(a). For a second or subsequent offense, the court *must* order these programs. UTAH CODE ANN. § 76-9-701(3)(b). If the violator is a minor who is at least 18 (but less than 21) years old, the violator’s driving privileges will be suspended for a period of time subject to UTAH CODE ANN. § 53-3-219 and 76-9-701(4). If the violator is less than 18 years old, is old enough to be eligible for a driver’s license, and committed the violation while in actual physical control of a motor vehicle, the violator’s driving privileges and license may be suspended for a period of time subject to UTAH CODE ANN. § 78A-6-606. UTAH CODE ANN. §§ 76-9-701(5), 78A-6-606.

**Penalty for Class A Misdemeanor:** Imprisonment not more than 364 days; fine not to exceed \$2,500

**Penalty for Class A Misdemeanor with Additional Penalties:** Imprisonment not more than 364 days year; fine not to exceed \$5,000. The court may also impose substance abuse screening or treatment, an educational series, community service, fees for restitution and treatment costs, defensive driver education courses, or a combination of these penalties. Certain driver's license suspension provisions may also apply, depending on the age of the violator; see UTAH CODE ANN. § 32B-4-411(2)(b), (3).

**Table 6—Utah State Penalties for Driving Under the Influence of Alcohol**

Below are some of the Utah penalties for crimes related to driving under the influence of alcohol.

| Category and Violation   | Classification   |
|--|--|
| No Drinking in Vehicle—A person may not drink any alcoholic beverage while operating a motor vehicle, motor assisted scooter, or class 2 electric assisted bicycle, or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway <sup>16</sup> or waters of the state. (UTAH CODE ANN. § 41-6a-526(2))  | Class C misdemeanor  |
| No Open Containers—A person may not keep, carry, transport, or possess (or allow someone else to keep, carry, transport, or possess) in the passenger compartment of a motor vehicle, on a motor assisted scooter, or on a class 2 electric assisted bicycle, any container of an alcoholic beverage that has been opened, has its seal broken, or has its contents partially consumed when the vehicle is on any highway or waters of the state. (UTAH CODE ANN. § 41-6a-526(3))  | Class C misdemeanor  |
| DUI—It is unlawful for any person to operate or be in actual physical control of a vehicle within this state if the person's blood or breath alcohol level is above a concentration of 0.05gm or greater, or if a person is under the influence of alcohol and/or other drugs to a degree which renders the person incapable of safely operating a vehicle. (UTAH CODE ANN. § 41-6a-502, -503, -714)   | Class B misdemeanor—first or second offense  |
|  | Class A misdemeanor—first or second offense, if the person (1) inflicted bodily injury upon another as a result of operating the vehicle negligently; (2) had a passenger under 16 years of age in the vehicle at the time of the offense; (3) was 21 years of age or older and had a passenger under the age of 18 in the vehicle at the time of the offense; or (4) used his or her vehicle to enter or exit a freeway or other controlled-access highway in a location other than an authorized entrance or exit. |
|  | Third-degree felony—third or subsequent offense, or any DUI offense in which the person inflicted <i>serious</i> bodily injury as a result of operating the vehicle negligently, or any DUI offense if the person has a previous conviction for automobile homicide or felony DUI (even if the conviction was reduced)   |
| Automobile Homicide—Automobile homicide occurs when a person operates a motor vehicle in a negligent manner, causing the death of another, and either has a blood or breath alcohol concentration of 0.05 gm or is under the influence of alcohol and/or any drug to a degree that renders the person incapable of safely operating a vehicle. (UTAH CODE ANN. § 76-5-207)   | Third-degree felony  |
|  | Second-degree felony—if subsequent to a previous DUI conviction or if the behavior is found to be “criminally negligent”   |
| Controlled Substance Violation Not Amounting to Automobile Homicide—In situations where automobile homicide does not apply, it is a violation of the law for a person to (1) knowingly and intentionally have any measurable amount of a controlled substance within his or her body without valid prescription, order, or other authorization; (2) operate a motor vehicle in a negligent manner; and (3) cause serious bodily injury or death of another person. (UTAH CODE ANN. §§ 58-37-8(2)(g)–(h), (2)(a)(i); 58-37-4(2)(a)(iii)(S), (AA)) | Class A misdemeanor—for a violation involving a Schedule III, IV, or V substance   |
|  | Third-degree felony—for a violation involving marijuana or tetrahydrocannabinols (or certain equivalents of these two drugs), or a controlled substance listed in UTAH CODE ANN. § 58-37-4.2   |
|  | Second-degree felony—for a violation involving any other Schedule I or II substance  |

### Description of Penalties for Table 6

**Class C Misdemeanor:** Imprisonment not more than 90 days; fine not to exceed \$750

**Class B Misdemeanor:** Imprisonment not more than 6 months; fine not to exceed \$1,000

**Class A Misdemeanor:** Imprisonment not more than 364 days; fine not to exceed \$2,500

**Third-Degree Felony:** Imprisonment not more than 5 years; fine not to exceed \$5,000

**Second-Degree Felony:** Imprisonment not less than one year and not more than 15 years; fine not to exceed \$10,000

(UTAH CODE ANN. §§ 76-3-203, -204, -301)

<sup>16</sup> “Highway” means any place open to the use of the public as a matter of right for vehicular traffic. UTAH CODE ANN. § 41-6a-102(25).

## Health Risks of Drug and Alcohol Use

All information, unless otherwise noted, is derived from the National Institute on Drug Abuse's Commonly Abused Drugs charts. Click [here](#) to view detailed information.

| Substance Name (Drug Type)               | Commercial and Street Names   | DEA Schedule | Acute Effects and Health Risks  |
|--|---|--------------|---|
| Alcohol                                  | N/A   | N/A          | Mood changes, inability to think clearly, lack of coordination, cardiomyopathy, arrhythmias, stroke, high blood pressure, steatosis, alcoholic hepatitis, fibrosis, cirrhosis, pancreatitis, several types of cancer, and weakened immune system <sup>17</sup>  |
| Anabolic Steroids                        | Nandrolone, Oxandrolone, Oxymetholone, Testosterone Cypionate, Juice, Gym Candy, Pumpers, Roids                                     | III          | Short-term: acne, fluid retention, oily skin, yellowing of the skin, infection<br>Long-term: kidney damage or failure; liver damage; high blood pressure, enlarged heart, or changes in cholesterol, leading to increased risk of stroke or heart attack, even in young people; aggression; extreme mood swings; anger; extreme irritability; delusions; impaired judgment; risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Ayahuasca (Hallucinogen)                 | Aya, Yagé, Hoasca   | I            | Short-term: strong hallucinations, including altered visual and auditory perceptions; increased heart rate and blood pressure; nausea; burning sensation in the stomach; tingling sensations; increased skin sensitivity<br>Long-term: Possible changes to the serotonergic and immune systems  |
| Barbiturates (Prescriptive Sedative)     | Pentobarbital, Barbs, Phennies, Red Birds, Reds, Tooies, Yellow Jackets, Yellows  | II, III, IV  | Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing<br>Long-term: unknown; risk of HIV, hepatitis, and other infectious diseases from shared needles  |
| Bath Salts (Synthetic Cathinone)         | Bloom, Cloud Nine, Cosmic Blast, Flakka, Ivory Wave, Lunar Wave, Scarface, Vanilla Sky, White Lightning                             | I            | Short-term: increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; violent behavior; sweating; nausea, vomiting; insomnia; irritability; dizziness; depression; panic attacks; reduced motor control; cloudy thinking<br>Long-term: death; risk of HIV, hepatitis, and other infectious diseases from shared needles  |
| Benzodiazepines (Prescriptive Sedatives) | Alprazolam, Chlorodiazepoxide, Diazepam, Lorazepam, Triazolam, Candy, Downers, Sleeping Pills, Tranks                               | IV           | Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing<br>Long-term: unknown; risk of HIV, hepatitis, and other infectious diseases from shared needles  |
| Cocaine (Stimulant)                      | Cocaine Hydrochloride Topical Solution, Blow, Bump, C, Candy, Charlie, Coke, Crack, Flake, Rock, Snow, Toot                         | II           | Short-term: narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy and alertness; insomnia and restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, and psychosis; heart rhythm problems and heart attack; stroke, seizure, and coma<br>Long-term: loss of sense of smell, nosebleeds, nasal damage, and trouble swallowing from snorting; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss; lung damage from smoking; risk of HIV, hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: premature delivery, low birth weight, deficits in self-regulation and attention in school-aged children prenatally exposed |
| Codeine (Prescription Opioid)            | Captain Cody, Cody, Lean, Schoolboy, Sizzurp, Purple Drank<br><i>With glutethimide</i> : Doors and Fours, Loads, Pancakes and Syrup | II, III, V   | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome  |
| DMT (Hallucinogen)                       | Dimitri   | I            | Short-term: intense visual hallucinations, depersonalization, auditory distortions, an altered perception of time and body image, hypertension, increased heart rate, agitation, seizures, dilated pupils<br>Long-term: unknown   |
| DXM (Over-the-Counter Cough Medicine)    | Robotripping, Robo, Triple C  | N/A          | Short-term: euphoria; slurred speech; increased heart rate; blood pressure; dizziness; nausea; vomiting;<br>Long-term: unknown  |

<sup>17</sup> This information is derived from "Alcohol's Effects on the Body," a [webpage](#) published by the National Institute on Alcohol Abuse and Alcoholism.

| Substance Name<br>(Drug Type)                               | Commercial and Street<br>Names  | DEA<br>Schedule | Acute Effects and Health Risks   |
|---|---|-----------------|--|
| Fentanyl<br>(Prescription<br>Opioid)                        | Apache, China Girl, China White, Dance Fever, Friend, Goodfella, Jackpot, Murder 8, Tango and Cash, TNT   | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome   |
| Flunitrazepam<br>(Prescription<br>Sedative, Club<br>Drug)   | Rohypnol, Circles, Date Rape Drug, Forget Pill, Forget-Me Pill, La Rocha, Lunch Money, Mexican Valium, Mind Eraser, Pingus, R2, Reynolds, Rib, Roach, Roach 2, Roaches, Roachies, Roopies, Roachas Dos, Roofies, Rope, Rophies, Row-Shay, Ruffies, Trip-and-Fall, Wolfies | IV              | Short-term: drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate<br>Long-term: unknown  |
| GHB<br>(Depressant)   | Gamma-hydroxybutyrate, sodium oxybate, G, Georgia Home Boy, Goop, Grievous Bodily Harm, Liquid Ecstasy, Liquid X, Soap, Scoop   | I               | Short-term: euphoria, drowsiness, confusion, memory loss, nausea, vomiting, unconsciousness, seizures, slowed heart rate and breathing, lower body temperature, coma, death<br>Long-term: unknown  |
| Heroin<br>(Opioid)  | Brown Sugar, China White, Dope, H, Horse, Junk, Skag, Skunk, Smack, White Horse, Cheese (with cold medicine and antihistamine)  | I               | Short-term: euphoria; dry mouth; analgesia; itching; nausea, vomiting, slowed breathing and heart rate<br>Long-term: collapsed veins; abscesses; infection of the lining and valves in the heart; constipation and stomach cramps; liver or kidney disease; pneumonia; risk of HIV, hepatitis, and other infectious diseases from shared needles; Pregnancy-related: miscarriage, low birth weight, and neonatal abstinence syndrome |
| Hydrocodone or Dihydrocodeinone<br>(Prescription<br>Opioid) | Vike, Watson-387  | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome   |
| Hydromorphone<br>(Prescription<br>Opioid)                   | D, Dillies, Footballs, Juice, Smack   | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome   |
| Ketamine<br>(Hallucinogen,<br>Dissociative Drug)            | Cat Valium, K, Special K, Vitamin K   | III             | Short-term: problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion; loss of memory; raised blood pressure; unconsciousness; dangerously slowed breathing<br>Long-term: ulcers and pain in bladder; kidney problems; stomach pain; depression; poor memory; risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Khat<br>(Stimulant)   | Abyssinian Tea, African Salad, Catha, Chat, Kat, Oat  | I               | Short-term: euphoria, increased alertness and arousal, increased blood pressure and heart rate, depression, paranoia, headaches, loss of appetite, insomnia, fine tremors, loss of short-term memory.<br>Long-term: gastrointestinal disorders such as constipation, ulcers, and stomach inflammation; increased risk of heart attack  |
| Kratom<br>(Opioid)  | Herbal Speedball, Biak-biak, Ketum, Kahuam, Ithang, Thom  | N/A             | Short-term: nausea, dizziness, itching, sweating, dry mouth, constipation, increased urination, loss of appetite<br>Long-term: anorexia, weight loss, insomnia, skin darkening, dry mouth, frequent urination, constipation, hallucination with long-term high doses   |
| LSD<br>(Hallucinogen)                                       | Acid, Blotter, Blue Heaven, Cubes, Microdot, Yellow Sunshine  | I               | Short-term: rapid emotional swings; distortion of a person's ability to recognize reality, think rationally, or communicate with others; raised blood pressure, heart rate, body temperature; dizziness; loss of appetite; tremors; enlarged pupils<br>Long-term: frightening flashbacks; ongoing visual disturbances, disorganized thinking, paranoia, and mood swings  |



| Substance Name<br>(Drug Type)           | Commercial and Street<br>Names   | DEA<br>Schedule | Acute Effects and Health Risks   |
|---|--|-----------------|--|
| Marijuana<br>(Cannabis)                 | Marijuana: Blunt, Bud,<br>Dope, Ganja, Grass, Green,<br>Herb, Joint, Mary Jane, Pot,<br>Reefer, Sinsemilla, Skunk,<br>Smoke, Trees, Weed<br>Hashish: Boom, Gangster,<br>Hash, Hemp | I               | Short-term: enhanced sensory perception and euphoria followed by<br>drowsiness/relaxation; slowed reaction time; problems with balance and<br>coordination; increased heart rate and appetite; problems with learning and<br>memory; anxiety;<br>Long-term: mental health problems, chronic cough, frequent respiratory<br>infections<br>Pregnancy-related: babies born with problems with attention, memory, and<br>problem solving; increased risk of preterm births   |
| MDMA<br>(Stimulant,<br>Hallucinogen)    | Ecstasy, Molly, Adam,<br>Clarity, Eve, Lover's Speed,<br>Peace, Uppers   | I               | Short-term: lowered inhibition; enhanced sensory perception;; increased heart<br>rate and blood pressure; muscle tension; nausea; faintness; chills or sweating;<br>sharp rise in body temperature leading to kidney failure or death<br>Long-term: long-lasting confusion; depression; problems with attention, memory,<br>and sleep; increased anxiety, impulsiveness; less interest in sex  |
| Meperidine<br>(Prescription<br>Opioid)  | Demmies, Pain Killer   | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed<br>breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV,<br>hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome   |
| Mescaline/<br>Peyote<br>(Hallucinogen)  | Buttons, Cactus, Mesc  | I               | Short-Term: enhanced perception and feeling; hallucinations; euphoria; anxiety;<br>increased body temperature, heart rate, blood pressure; sweating; problems with<br>movement<br>Long-term: unknown   |
| Methadone<br>(Prescription<br>Opioid)   | Amidone, Fizzies, Chocolate<br>Chip Cookies (with MDMA)  | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed<br>breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV,<br>hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome   |
| Methamphetamine<br>(Stimulant)          | Desoxyn, Crank, Chalk,<br>Crystal, Fire, Glass, Go<br>Fast, Ice, Meth, Speed   | II              | Short-term: increased wakefulness and physical activity; decreased appetite;<br>increased breathing, heart rate, blood pressure, temperature; irregular heartbeat<br>Long-term: anxiety; confusion; insomnia; mood problems; violent behavior;<br>paranoia; hallucinations; delusions; weight loss; severe dental problems; intense<br>itching leading to skin sores from scratching; risk of HIV, hepatitis, and other<br>infectious diseases from shared needles<br>Pregnancy-related: premature delivery; separation of the placenta from the<br>uterus; low birth weight; lethargy; heart and brain problems |
| Morphine<br>(Prescription<br>Opioid)    | M, Miss Emma, Monkey,<br>White Stuff   | II, III         | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed<br>breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV,<br>hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome   |
| Tobacco<br>(Nicotine)                   | N/A  | N/A             | Short-term: increased blood pressure, breathing, and heart rate<br>Long-term: greatly increased risk of cancer, especially lung cancer when<br>smoked and oral cancers when chewed; chronic bronchitis; emphysema; heart<br>disease; leukemia; cataracts; pneumonia<br>Pregnancy-related: miscarriage, low birth weight, stillbirth, learning and behavior<br>problems   |
| Oxycodone<br>(Prescription<br>Opioid)   | O.C., Oxycet, Oxycotton,<br>Oxy, Hillbilly Heroin, Percs   | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed<br>breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV,<br>hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome   |
| Oxymorphone<br>(Prescription<br>Opioid) | Biscuits, Blue Heaven,<br>Blues, Mrs. O, O Bomb,<br>Octagons, Stop Signs   | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed<br>breathing, death<br>Long-term: increased risk of overdose or addiction if misused; risk of HIV,<br>hepatitis, and other infectious diseases from shared needles<br>Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome   |

| Substance Name<br>(Drug Type)   | Commercial and Street<br>Names   | DEA<br>Schedule | Acute Effects and Health Risks  |
|---|--|-----------------|---|
| PCP<br>(Hallucinogen,<br>Dissociative Drug)                                       | Angel Dust, Boat, Hog, Love<br>Boat, Peace Pill  | I, II           | Short-term: delusions, hallucinations, paranoia, problems thinking, a sense of distance from one's environment, anxiety<br>Low doses: slight increase in breathing rate; increased blood pressure and heart rate; shallow breathing; face redness and sweating; numbness of the hands or feet; problems with movement;<br>High doses: nausea; vomiting; flicking up and down of the eyes; drooling; loss of balance; dizziness; violence; seizures, coma, and death<br>Long-term: memory loss, problems with speech and thinking, loss of appetite, anxiety, risk of HIV, hepatitis, and other infectious diseases from shared needles                        |
| Prescription<br>Stimulants  | Amphetamine: Adderall,<br>Bennies, Black Beauties,<br>Crosses, Hearts, LA<br>Turnaround, Speed, Truck<br>Drivers, Uppers<br>Methylphenidate: Concerta,<br>Ritalin, JIF, MPH, R-ball,<br>Skippy, The Smart Drug,<br>Vitamin R | II              | Short-term: increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages; increased body temperature, irregular heartbeat, heart disease, and seizures when high doses taken<br>Long-term: heart problems; psychosis; anger; paranoia; risk of HIV, hepatitis, and other infectious diseases from shared needles  |
| Psilocybin<br>(Hallucinogen)  | Little Smoke, Magic<br>Mushrooms, Purple<br>Passion, Shrooms   | I               | Short-term: hallucinations, altered perception of time, inability to tell fantasy from reality, panic, muscle relaxation or weakness, problems with movement, enlarged pupils, nausea, vomiting, drowsiness<br>Long-term: risk of flashbacks and memory problems  |
| Salvia<br>(Hallucinogen,<br>Dissociative Drug)                                    | Salvia divinorum, Magic<br>Mint, Maria Pastora, Sally-<br>D, Shepherdess's Herb,<br>Diviner's Sage   | N/A             | Short-term: short-lived but intense hallucinations; altered visual perception, mood, body sensations; mood swings, feelings of detachment from one's body; sweating<br>Long-term: unknown   |
| Sleep Medications<br>(Prescription<br>Sedatives)                                  | Eszopiclone, Zaleplon,<br>Zolpidem, Forget-Me Pill,<br>Mexican Valium, R2, Roche,<br>Roofies, Roofinol, Rope,<br>Rophies   | IV              | Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing<br>Long-term: unknown; risk of HIV, hepatitis, and other infectious diseases from shared needles  |
| Solvents, Aerosols,<br>and Gases Found<br>in Household<br>Products<br>(Inhalants) | Poppers, Snappers,<br>Whippets, Laughing Gas   | N/A             | Short-term: confusion; nausea; slurred speech; lack of coordination; euphoria; dizziness; drowsiness; disinhibition, lightheadedness, hallucinations/delusions; headaches; sudden sniffing death due to heart failure; death from asphyxiation, suffocation, convulsions or seizures, coma, or choking<br>Long-term: liver and kidney damage; bone marrow damage; limb spasms due to nerve damage; brain damage from lack of oxygen that can cause problems with thinking, movement, vision, and hearing<br>Pregnancy-related: low birth weight, bone problems, delayed behavioral development due to brain problems, altered metabolism and body composition |
| Synthetic<br>Cannabinoids   | K2, Spice, Black Mamba,<br>Bliss, Bombay Blue, Fake<br>Weed, Fire, Genie, Moon<br>Rocks, Skunk, Smacked,<br>Yucatan, Zohai   | I               | Short-term: increased heart rate; vomiting; agitation; confusion; hallucinations, anxiety, and paranoia; increased blood pressure<br>Long-term: unknown   |



